



FEDERAL REGISTER

Vol. 87

Monday

No. 156

August 15, 2022

Pages 49975–50234

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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DEPARTMENT OF ENERGY

10 CFR Part 707

[EH-RM-19-WSAP]

RIN 1992-AA60

Workplace Substance Abuse Programs at DOE Sites

AGENCY: Office of Environment, Health, Safety and Security; U.S. Department of Energy.

ACTION: Final rule.

SUMMARY: On September 7, 2021, the U.S. Department of Energy (DOE or the Department) published a notice of proposed rulemaking (NPR) for public comment in which it proposed to amend its regulations on contractor workplace substance abuse programs at DOE sites. In this final rule, DOE is adopting the amendments proposed in the NPR without change. The amendments decrease the random drug testing rate for individuals in certain testing designated positions (TDPs); clarify that all positions requiring access authorizations (security clearances) are included in the TDPs; and clarify requirements for DOE approval prior to allowing persons in certain TDPs to return to work after removal for illegal drug use.

DATES: This rule is effective September 14, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Moriah Ferullo, U.S. Department of Energy, Office of Environment, Health, Safety and Security, EHSS-11, 1000 Independence Avenue SW, Washington, DC 20585; (301) 903-0881 or by email at: moriah.ferullo@hq.doe.gov.

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- L. Congressional Notification
- V. Approval by the Office of the Secretary of Energy

I. Background

Pursuant to DOE's statutory authority, including the Atomic Energy Act of 1954, as amended (AEA), and the Drug-Free Workplace Act of 1988, DOE promulgated a rule on July 22, 1992 (57 FR 32652), establishing minimum requirements for DOE contractor workplace substance abuse programs. The rule provided for drug testing of contractor employees in, and applicants for, TDPs at sites owned or controlled by DOE and operated under the authority of the AEA. The Department determined that possible risks of serious harm to the environment and to public health, safety, and national security justified the imposition of a uniform rule establishing a baseline workplace substance abuse program, including drug testing. The rule created a new part 707 of Title 10 in the Code of Federal Regulations (CFR) entitled *Workplace Substance Abuse Programs at DOE Sites*.

On September 14, 2007, the Secretary of Energy (Secretary) issued a memorandum addressing drug testing for DOE positions that require access authorizations (security clearances). The memorandum stated the Secretary's determination that all Federal and contractor positions that require security clearances, and all employees in positions that currently have security clearances, have the potential to significantly affect the environment, public health and safety, or national security. The Secretary determined that all such positions would be considered to be TDPs, which means they are subject to applicant, random, and "for cause" drug testing. The Secretary further determined, with regard to random drug testing, that employees in TDPs, other than those designated to be included in the 100 percent annual sample pool (primarily employees in the

Human Reliability Program), be tested at a 30 percent annual sample rate. To implement the memorandum's provisions regarding TDPs for DOE contractor employees, the Department issued a final rule at 10 CFR part 707. See 73 FR 3861 (Jan. 23, 2008). However, the 2008 final rule contained incorrect section references. Whereas 10 CFR 707.7(a)(2) states that positions identified in paragraph (b)(3) of this section shall provide for random tests at a rate equal to 30 percent of the total number of employees in TDPs for each 12-month period, the correct reference should have been to paragraphs (b)(2) and (b)(3). Furthermore, the second sentence of 10 CFR 707.7(a)(2), 10 CFR 707.7(b)(2)(iii), and the second sentence of 10 CFR 707.14(e) each contain an incorrect reference to paragraph (b)(2) of 10 CFR 707.7. Since TDPs identified in paragraph (b)(2) should be tested at a 30 percent annual sample rate and do not require DOE approval for return to work after illegal drug use, there should not have been references to "(b)(2)" in the second sentence of 10 CFR 707.7(a)(2); in 10 CFR 707.7(b)(2)(iii); and in the second sentence of 10 CFR 707.14(e).

On September 7, 2021, the Department published a Notice of Proposed Rulemaking (NPR) proposing to correct these errors (86 FR 49932). In the NPR, the Department proposed that the second sentence of 10 CFR 707.7(a)(2) would state that employees in the positions identified in paragraphs (b)(1) and (c) of this section will be subject to random testing at a rate equal to 100 percent of the total number of employees identified, and those identified in paragraphs (b)(1) and (c) of this section may be subject to additional drug tests. DOE further proposed to replace the reference to (b)(2) with (c) in 10 CFR 707.7(b)(2)(iii). In the second sentence of 10 CFR 707.14(e), DOE proposed deleting the reference to 10 CFR 707.7(b)(2). DOE also proposed in the NPR to add a new requirement at 10 CFR 707.7(b)(2)(vi) to specify that access authorization (security clearance) holders will be tested. DOE proposed that the new subsection would refer to all other personnel in positions that require an access authorization (security clearance), other than those identified in paragraphs (b)(1) and (c) of this section. As a result of this change, DOE intends that employees identified in 10 CFR

707.7(b)(2)(vi) would be tested at a rate equal to 30 percent of the total number of employees identified in paragraphs (b)(2) and (b)(3) of 10 CFR 707.7 for each 12-month period, if they are not also identified in 10 CFR 707.7(b)(1) and (c). Employees identified in 10 CFR 707.7(b)(1) and individuals, whether or not employees, identified in 10 CFR 707.7(c) would be tested at a rate equal to 100 percent of the total number of employees or individuals, as applicable, identified for each 12-month period, and may be subject to additional drug tests.

By publication of this final rule in the **Federal Register**, DOE is incorporating the changes proposed in the NOPR into 10 CFR part 707.

II. Authority

This final rule continues to establish minimum requirements for the workplace substance abuse programs for DOE contractors and their employees, and is promulgated pursuant to DOE's authority under section 161(i)(3) and (p) of the AEA to prescribe such regulations as it deems necessary to govern any activity authorized by the AEA, including standards for the protection of health and minimization of danger to life or property (42 U.S.C. 2201(i)(3) and (p)) and section 8102 of the Drug Free Workplace Act of 1988, as amended (41 U.S.C. 8102).

III. Discussion of Public Comments

The Department's NOPR invited public comments on the proposal and provided a 30-day public comment period that ended on October 7, 2021. This section responds to the comments the Department received. It also contains an explanation of certain final rule provisions in order to provide interpretative guidance to DOE offices and DOE contractors that must comply with this final rule.

The Department received two general comments (Ex. 1, 2) regarding the proposed changes to the rule. One commenter (Ex. 1) stated that the workplace substance abuse programs proposed rule was significant because DOE employees and contractors who have security clearances have the ability to affect the environment, public health and safety, and national security, and testing these individuals to make sure that they are not in any way distracted or under another influence is imperative for DOE's mission to continue unimpeded. A second commenter (Ex. 2) stated that implementing substance abuse programs at the DOE sites is a good idea and monitoring employees through drug tests will keep the sites

clean and prevent accidents from happening.

The Department agrees with the commenters and believes that requiring a workplace substance abuse program at its sites will assist in maintaining a workplace that is free from the use of illegal drugs and creates a safe and healthy workplace for employees at DOE sites.

One commenter (Ex. 2) stated that some drugs should not be included in the drug tests since some people use them for beneficial reasons. DOE notes that this comment is beyond the scope of the amendments proposed in the NOPR.

The Department received one comment (Ex.1) regarding the proposed 30 percent testing rate for employees in positions identified in paragraphs (b)(2) and (b)(3) of 10 CFR 707.7. The commenter believes that DOE should take additional measures to reinforce the idea that there is a zero-tolerance policy for substance abuse and that the work being conducted should not be conducted by individuals who cannot abide by the rules. The commenter suggested that increasing the size of the annual sample rate from 30 percent would be one such additional measure that would be beneficial to the Department. However, the commenter did not suggest an alternative rate.

DOE has determined that the 30 percent testing rate is: (1) consistent with the 2007 Secretarial memorandum; (2) consistent with the testing rate for DOE Federal employees with security clearances; and (3) appropriate for DOE sites at the present time. Accordingly, DOE is retaining the 30 percent testing requirement in the final rule as proposed in the NOPR. DOE notes that a DOE contractor could impose a higher testing rate pursuant to 10 CFR 707.5, which states that nothing in 10 CFR part 707 is intended to prohibit any contractor subject to this part from implementing workplace substance abuse requirements additional to those of the baseline, including drug testing employees and applicants for employment in any position and testing for any illegal drugs. However, the contractor is required to inform the appropriate Head of DOE Field Element of such additional requirements at least 30 days prior to implementation.

One commenter (Ex. 1) stated that the Department must add additional stipulations for the return of a contractor employee who was removed from a DOE site for the use of illegal drugs, and that their approval to return to a TDP (which necessitates a security clearance) should be conditioned on increased testing on their return. The

commenter believed this would increase the likelihood that the Department would know about an individual's use of illegal drugs and refusal to comply with the Department's policies.

In response, DOE notes that when a contractor employee is removed from duty for use of illegal drugs, several conditions must be met under 10 CFR part 707 before the employee may be returned to a TDP. For example, 10 CFR 707.14(c)(1)-(3) provides that an employee may not be returned to a TDP unless the employee has successfully completed counseling or a program of rehabilitation; undergone a urine drug test with a negative result; and been evaluated by the site occupational medical department, which has determined that the individual is capable of safely returning to duty. Also, 10 CFR 707.14(b)(2) states that the failure to take the opportunity for rehabilitation, if it has been made available, for the use of illegal drugs, will require significant disciplinary action up to and including removal from employment under the DOE contract, in accordance with the contractor's policies. In addition, any employee who is twice determined to have used illegal drugs shall in all cases be removed from employment under the DOE contract. As an additional measure, 10 CFR 707.14(g) states that after an employee determined to have used illegal drugs has been returned to duty, the employee shall be subject to unannounced drug testing, at intervals, for a period of 12 months. In addition, in the final rule, 10 CFR 707.14(e) continues to provide that if a DOE access authorization is involved, DOE must be notified of a contractor's intent to return to a TDP an employee removed from such duty for use of illegal drugs. Therefore, DOE is amending the language in 10 CFR 707.14(e) as proposed in the NOPR.

LIST OF COMMENTERS

Exhibit No.	Company/organization
1	Christian Ruano.
2	Anonymous.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

This regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993). Accordingly, this action is not subject to review under that Executive order by the Office of Information and Regulatory

Affairs (OIRA) of the Office of Management and Budget (OMB).

B. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (NEPA), DOE has analyzed this action in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). DOE has determined that this final rule is covered by the Categorical Exclusion (CX) found in DOE's NEPA regulations at paragraph A5 of appendix A to subpart D, 10 CFR part 1021, because it is a rulemaking that interprets or amends an existing rule or regulation that does not change the environmental effect of the rule. *See* 10 CFR 1021.410. Therefore, DOE has determined that this final rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and does not require an Environmental Assessment or an Environmental Impact Statement.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that an agency prepare a final regulatory flexibility analysis for any final rule where the agency was first required by law to publish a proposed rule for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: <https://www.energy.gov/gc/office-general-counsel>.

This final rule updates DOE's regulations on workplace substance abuse programs for its contractor workers. This rule applies only to activities conducted by DOE's contractors. DOE expects that any potential economic impact of this rule on small businesses would be minimal because DOE contractors perform work under contracts with DOE or DOE prime contractors at a DOE site. DOE contractors are reimbursed through their contracts for the costs of complying with workplace substance abuse

program requirements. They would not, therefore, be adversely impacted by the requirements in this final rule. For these reasons, DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities, and DOE has not prepared a regulatory flexibility analysis for this rulemaking.

D. Review Under the Paperwork Reduction Act of 1995

This final rule does not impose any new collection of information subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4) requires each Federal agency to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency regulation that may result in the expenditure by State, Tribal, or local governments, in the aggregate, or by the private sector, of \$100 million in any one year (adjusted annually for inflation). Section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy (2 U.S.C. 1532(a)(b)). The Act also requires a Federal agency to develop an effective process to permit timely input by elected officials of State, Tribal, or local governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity to provide timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. (62 FR 12820; also available at: <https://www.energy.gov/gc/office-general-counsel> under "Guidance & Opinions" (Rulemaking). DOE examined this final rule according to UMRA and its statement of policy and has determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

F. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights" 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

G. Review Under the Treasury and General Government Appropriations Act, 1999

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

H. Review Under Executive Order 13132

Executive Order 13132, "Federalism," (64 FR 43255 (August 4, 1999)) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this final rule and has determined that it would not preempt State law and 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. No further action is required by Executive Order 13132.

I. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, Section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on Federal agencies the general duty to adhere to the following

requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires, among other things, that executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for the affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; (6) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of the standards. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). Pursuant to OMB Memorandum M-19-15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines, which are available at: www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.

DOE has reviewed this rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

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

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, DOE has concluded that this final rule will not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Congressional Notification

As required by 5 U.S.C. 801(a)(1)(A), DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this final rule. The report will state it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

V. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 707

Classified information, Drug testing, Employee assistance programs, Energy, Government contracts, Health and safety, National security, Reasonable suspicion, Special nuclear material, Substance abuse.

Signing Authority

This document of the Department of Energy was signed on July 27, 2022, by Jennifer Granholm, 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 August 10, 2022.

Treena V. Garrett,

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

For the reasons set out in the preamble, the Department of Energy amends part 707 of chapter III of Title 10 of the Code of Federal Regulations as set forth below:

PART 707—WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

■ 1. The authority citation for part 707 is revised to read as follows:

Authority: 41 U.S.C. 8102 *et seq.*; 42 U.S.C. 2012, 2013, 2051, 2061, 2165, 2201b, 2201i, and 2201p; 42 U.S.C. 5814 and 5815; 42 U.S.C. 7151, 7251, 7254, and 7256; 50 U.S.C. 2401 *et seq.*

■ 2. Section 707.7 is amended by revising paragraphs (a)(2) and (b)(2)(iii) through (v) and adding paragraph (b)(2)(vi) to read as follows:

§ 707.7 Random drug testing requirements and identification of testing designated positions.

(a) * * *

(2) Programs developed under this part for positions identified in paragraphs (b)(2) and (3) of this section shall provide for random tests at a rate equal to 30 percent of the total number of employees in testing designated positions for each 12-month period. Employees in the positions identified in paragraph (b)(1) of this section and individuals identified in paragraph (c) of this section will be subject to random testing at a rate equal to 100 percent of the total number of employees or individuals, as applicable, identified, and those identified in paragraphs (b)(1) and (c) may be subject to additional drug tests.

(b) * * *

(2) * * *

(iii) Protective force personnel, exclusive of those covered in paragraph (b)(1) and (c) of this section, in positions involving use of firearms where the duties also require potential contact with, or proximity to, the public at large;

(iv) Personnel directly engaged in construction, maintenance, or operation of nuclear reactors;

(v) Personnel directly engaged in production, use, storage, transportation, or disposal of hazardous materials sufficient to cause significant harm to the environment or public health and safety; or

(vi) All other personnel in positions that require an access authorization (security clearance), other than those identified in paragraphs (b)(1) and (c) of this section.

* * * * *

■ 3. Section 707.14 is amended by revising paragraph (e) to read as follows:

§ 707.14 Action pursuant to a determination of illegal drug use.

* * * * *

(e) If a DOE access authorization is involved, DOE must be notified of a contractor's intent to return to a testing designated position an employee removed from such duty for use of illegal drugs. Positions identified in § 707.7(b)(1) of this part will require DOE approval prior to return to a testing designated position.

* * * * *

[FR Doc. 2022-17451 Filed 8-12-22; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0803; Airspace Docket No. 19-AAL-58]

RIN 2120-AA66

Amendment of United States Area Navigation Route (RNAV) T-222; Bethel, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the *Federal Register* on June 30, 2022, that amends United States Area Navigation (RNAV) route T-222 in the vicinity of Bethel, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The final rule identified the CABOT, AK, and IKUFU, AK, route points as waypoints (WPs), in error. This action makes editorial corrections to all references of the CABOT, AK, and IKUFU, AK, WPs to change them to be reflected as Fixes and match the FAA's aeronautical database information.

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

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

FOR FURTHER INFORMATION CONTACT:

Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the *Federal Register* (87 FR 38915; June 30, 2022), amending T-222 in support of a large and comprehensive T-route modernization project for the state of Alaska. Subsequent to publication, the FAA determined that the CABOT, AK, and IKUFU, AK, route points were inadvertently identified as WPs, in error. This rule corrects those errors by changing all references of the CABOT, AK, and IKUFU, AK, WPs to the CABOT, AK, and IKUFU, AK, Fixes, respectively. These are editorial changes only to match the FAA's aeronautical database information and does not alter the alignment of the affected T-222 route.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV T-route listed in this document will be published subsequently in FAA Order JO 7400.11.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, all references to the CABOT, AK, and IKUFU, AK, WPs reflected in Docket No. FAA-2021-0803, as published in the *Federal Register* of June 30, 2022 (87 FR 38915), FR Doc. 2022-13879, are corrected as follows:

1. In FR Doc. 2022-13879, appearing on page 38915, in the second column, at lines 54-56, correct "adding five additional WPs (CABOT, WOGAX, IKUFU, JILSI, and CYCAS) in the" to read "adding three additional WPs

(WOGAX, JILSI, and CYCAS) and two Fixes (CABOT and IKUFU) in the".

2. In FR Doc. 2022-13879, appearing on page 38916, in the third column, at line 17, correct "CABOT, AK WP (lat. 61°12'01.32" N, long. 160°45'20.93" W)" to read "CABOT, AK FIX (lat. 61°12'01.32" N, long. 160°45'20.93" W)".

3. In FR Doc. 2022-13879, appearing on page 38916, in the third column, at line 19, correct "IKUFU, AK WP (lat. 61°40'34.53" N, long. 159°52'35.43" W)" to read "IKUFU, AK FIX (lat. 61°40'34.53" N, long. 159°52'35.43" W)".

Issued in Washington, DC, on August 3, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-17211 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 772 and 774

[Docket No. 220802-0168]

RIN 0694-AH91

Implementation of Certain 2021 Wassenaar Arrangement Decisions on Four Section 1758 Technologies

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

ACTION: Interim final rule, with request for comments.

SUMMARY: The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies certain items subject to Department of Commerce (Commerce) jurisdiction. Commerce is revising the CCL, as well as corresponding parts of the EAR, to implement controls on four technologies. These changes reflect certain controls decided by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) at the December 2021 WA Plenary meeting. These four technologies meet the criteria of Section 1758 of the Export Control Reform Act (ECRA) pertaining to emerging and foundational technologies. Accordingly, BIS is accelerating their publication in this interim final rule and will publish the remaining WA-agreed controls in a later rule. These technologies are two substrates of ultra-wide bandgap semiconductors (Gallium Oxide (Ga₂O₃))

and diamond), Electronic Computer Aided Design (ECAD) software specially designed for the development of integrated circuits with any Gate-All-Around Field-Effect Transistor (GAAFET) structure, and pressure gain combustion (PGC) technology for the production and development of gas turbine engine components or systems.

DATES:

Effective dates: This rule is effective August 15, 2022, except for instruction 5, concerning the addition of Export Control Classification Number (ECCN) 3D006, which is effective October 14, 2022.

Comment due date: Comments regarding the implementation of ECCN 3D006 must be received by BIS no later than September 14, 2022.

ADDRESSES: Comments on this rule related to the implementation of ECCN 3D006 on the Commerce Control List may be submitted to the Federal rulemaking portal (www.regulations.gov). The *regulations.gov* ID for this rule is: BIS-2022-0006. Please refer to RIN 0694-AH91 in all comments.

All filers using the portal should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and also provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC." Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. The corresponding non-confidential version of those comments must be clearly marked "PUBLIC." The file name of the non-confidential version should begin with the character "P." Any submissions with file names that do not begin with either a "BC" or a "P" will be assumed to be public and will be made publicly available through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202-482-2440 or by email: Sharron.Cook@bis.doc.gov.

For technical questions contact:
Category 3: Carlos Monroy at 202-482-3246 or Carlos.Monroy@bis.doc.gov.

Category 9: John Varesi at 202-482-1114 or John.Varesi@bis.doc.gov.

SUPPLEMENTARY INFORMATION:**Background****Identification of Section 1758 Technologies**

As part of the National Defense Authorization Act (NDAA) for Fiscal Year 2019 (Pub. L. 115-232), Congress enacted the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801-4852). Section 1758 of ECRA (50 U.S.C. 4817) authorizes BIS to establish appropriate controls on the export, reexport, or transfer (in-country) of emerging and foundational technologies that are essential to the national security of the United States (Section 1758 technologies). See *Commerce Control List: Proposed Controls on Certain Marine Toxins; Request for Comments* (87 FR 31195, May 23, 2022) (stating that BIS will characterize all technologies identified pursuant to Section 1758 of ECRA as "Section 1758 technologies").

This interim final rule adds four technologies to the CCL, supplement no. 1 to part 774, as Section 1758 technologies. These technologies were decided upon by governments participating in the WA for addition to the WA's List of Dual-Use Goods and Technologies during the December 2021 WA Plenary meeting. The WA advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. Of the items regarding which decisions were reached in December 2021, four meet the requirements that apply to Section 1758 technologies. Namely, they were identified in a regular ongoing interagency process that is informed by multiple sources (*e.g.*, WA Participating States, industry, Federal technical advisory committees, and Federal Government agencies) and are essential to the national security of the United States. As such, early implementation in the EAR of the December 2021 WA Plenary meeting decisions regarding these four "Section 1758 technologies" is warranted. BIS will amend the EAR to implement the remaining decisions reached at the December 2021 WA Plenary meeting in a separate rule.

BIS has determined that two substrates of ultra-wide bandgap semiconductors (Ga₂O₃ and diamond), ECAD software specially designed for the development of integrated circuits

with any GAAFET structure, and pressure gain combustion technology for the production and development of gas turbine engine components or systems, are Section 1758 technologies. This interim final rule revises the CCL as well as corresponding parts of the EAR to implement controls on these four technologies by revising five ECCNs and adding one new ECCN, as follows:

- Revises ECCNs: 3C001.d-f, 3C005.a and .b, 3C006, and 3E003 for two substrates (Ga₂O₃ and diamond) of ultra-wide bandgap semiconductors; and 9E003.a.2.e for PGC technology.
- New ECCN: 3D006 for Software for ECAD for the development of Integrated Circuits (ICs) with GAAFET.

Substrates of Ultra-Wide Bandgap Semiconductors

Gallium Nitride (GaN) and Silicon Carbide (SiC) are the leading materials for the production of sophisticated microwave or millimeter wave devices controlled under ECCN 3A001.b or high-power semiconductor devices controlled under ECCNs 3A001.g and 3A001.h on the CCL. In addition to GaN and SiC, materials such as Ga₂O₃ and diamond have a strong potential for use in military applications and are being developed to be used to fabricate more sophisticated devices than those produced using GaN or SiC. The devices made from Ga₂O₃ or diamond are expected to work under more severe conditions, such as higher voltage or higher temperature, than the devices made from GaN or SiC. Substrates made from GaN or SiC are controlled under ECCNs 3C001, 3C005, and 3C006, and related technologies other than those controlled under ECCN 3E001 are covered by ECCN 3E003. Because of their significant military potential, with this rule, BIS adds these technologies—Ga₂O₃ and diamond—as Section 1758 technologies to the CCL in the ECCNs 3C001.d-f, 3C005.a and .b, and 3C006.

Specifically, this rule adds to ECCN 3C001 new paragraphs .e for Ga₂O₃ and .f for diamond, and amends ECCN 3C005 by adding Ga₂O₃ and diamond to ECCN 3C005 paragraphs .a and .b, respectively. In conforming changes, it also amends ECCN 3C001.c by removing the word "or", amends the Note to 3C001.d by adding the chemical names for all of the relevant chemical formulas, and amends the heading of ECCN 3C006 by adding Ga₂O₃ and diamond and the chemical formulas for the existing listed chemicals. ECCN 3E003 is amended by removing the phrase "films of" from 3E003.d, by adding the chemical formulas for the existing listed chemicals in 3E003.d-f, and by adding paragraph 3E003.h to control

“technology” for the “development” or “production” of substrates of Ga₂O₃ for electronic components. “Technology” for the “development” or “production” of substrates of diamond is already listed in 3E003.d.

Commodities specified in ECCN 3C001 paragraphs .c and .f, ECCN 3C005 paragraphs .a and .b, and ECCN 3C006 require a license for national security (NS) and antiterrorism (AT) reasons, respectively, for countries with an “X” listed in columns NS:2 or AT:1 on the Commerce Country Chart in supplement no. 1 to part 738 of the EAR. The development and production technology for these commodities is classified under ECCN 3E003 and requires a license for NS and AT reasons, respectively, to countries with an “X” listed in columns NS:1 or AT:1 on the Commerce Country Chart. A license exception (see part 740 of the EAR) may authorize a transaction that otherwise would require a license.

Software for ECAD for the Development of ICs With GAAFET

Electronic Computer-Aided Design (ECAD) is a category of software tools used for designing, analyzing, optimizing, and validating the performance of integrated circuits or printed circuit boards. ECAD software is used by the military and aerospace defense industries for designing complex integrated circuits, Field-Programmable Gate Arrays (FPGAs), Application Specific Integrated Circuits (ASICs), and electronic systems. ECAD software solutions enabled a successful design phase of the first Gate-All-Around transistor System-on-Chip test chip.

A common use of ECAD software is to link the various stages involved in progressing smoothly from the Register Transfer Level (RTL) design stage to the logic design stage, then finally to the physical design stage, which results in Geometrical Database Standard II (GDSII). RTL is a model of a digital circuit defined in terms of the flow of digital signals and logical operations down to the level of individual flip-flops, *i.e.*, a device that stores a single bit (binary digit) of data. GDSII is the database standard format for describing integrated circuit layout artwork. It is used to contain all information describing the integrated circuit’s layout artwork in a standardized database format that may be shared with foundries for transferring artwork between different tools or for building photomasks. ECAD software with a complete RTL-to-GDSII design solution includes proprietary design planning, power optimization, physical synthesis,

clock tree synthesis, and routing for logical and physical design implementations throughout the design flow.

Gate-All-Around transistor technology approaches are key to scaling to 3 nanometer and below technology nodes. The gate completely encircles the semiconductor electronic conduction channel and thus provides good gate control and scalability of the electrostatics to allow high ratios of on and off leakage currents and minimization of random dopant fluctuations. A thin electronic conducting channel is used to enable gate control of the electric field in the transistor channel preventing short-channel punch through. The backside gate combined with minimization of random doping effect enable scalability to smaller technology nodes. The multiple channels provide higher current capability. The lower parasitic capacitances enable 50 percent faster chip operation compared to bulk technologies. Faster, less bulky, energy efficient, and radiation-hardened integrated circuits would advance many commercial as well as military applications, including defense and communication satellites.

ECAD software is often offered in modules that support the requirements of circuit designers as well as the production prerequisites supplied by foundries. ECAD software is not distinguished by the type or architecture of integrated circuit, but by the capabilities that enable design, analysis, optimization, validation, and verification of the advanced circuitry of specific transistor types. Thus, some ECAD software may be particularly suited to efficiently design complex GAAFET circuits. As proprietary information could be involved, the “specially designed” requirements of the control can be difficult to ascertain in specific ECAD software.

Consequently, with this rule, BIS is controlling this technology as Section 1758 technology by adding new ECCN 3D006 to the CCL to control ECAD “software” “specially designed” for the “development” of integrated circuits having any GAAFET structure and meeting the parameters set forth in ECCN 3D006. Such software must be either “specially designed” for implementing RTL to GDSII or an equivalent standard or “specially designed” for optimization of power or timing rules.

ECCN 3D006 will also include a new technical note that defines ECAD, RTL, and GDSII. ECAD software tools are designed to incorporate and work with the different process design kits (PDKs)

from each foundry, which include specifications for that foundry’s transistor architecture. The new control applies to an ECAD software tool when it is specially designed as described in 3D006, whether it is exported with a PDK or separately.

ECAD software controlled under new ECCN 3D006 requires a license for NS and AT reasons, respectively, for countries with an “X” listed in columns NS:2 or AT:1 on the Commerce Country Chart. A license exception (see part 740 of the EAR), such as License Exception Strategic Trade Authorization (STA) may authorize a transaction that otherwise would require a license.

BIS seeks public comment and input to determine what specific ECAD features are particularly suited to design GAAFET circuits to ensure that the U.S. Government effectively implements this new control. In particular, the U.S. Government is seeking public comment and input from industry regarding the scope of the license requirement as well as input to assist in the interagency review of license applications to export such software. BIS is particularly interested in description of software features or functions that assists the designer to optimize interconnects, synthesis, placements & routes, multi-corner multi-mode, timing/clock-tree, power and thermal, or signal integrity necessary for GAAFET circuits. For example, there may be a highly efficient auto-routing program or type of simulator or schematic editor/engine or waveform display that allows designers to rapidly modify a simulated circuit and assess what effect the change has on the output. Additionally, public comment may inform the U.S. Government in the development of future WA proposals that could revise the control text of 3D006.

In addition, BIS’s Technical Advisory Committees recommended that industry has the opportunity to submit public comments regarding the implementation of ECCN 3D006 control, *i.e.*, license requirements applied, license exception eligibility, notes that may clarify the scope of the control, as well as recommendations to overcome compliance difficulties and recommendations for future revisions of the control text as the software undergoes technological advancements. Therefore, there is a 60-day delayed effective date for the addition of 3D006 to the CCL and a 30-day comment period with respect to the implementation of this control.

Pressure Gain Combustion (PGC)

PGC technology is a technology with the potential to increase gas turbine

engine efficiency by more than 10%. PGC technology has extensive potential to impact terrestrial systems, as well as aerospace applications such as rockets and hypersonic systems.

While conventional gas turbine engines undergo steady, subsonic combustion, resulting in a total pressure loss, PGC utilizes multiple physical phenomena, including resonant pulsed combustion, constant volume combustion, and detonation, to cause a rise in effective pressure across the combustor, while consuming the same amount of fuel as the constant pressure combustor. This PGC technology, which results in a pressure gain across the combustor, relies on the Humphrey (or Atkinson) cycles and has great potential as a means of achieving higher efficiency in gas turbine power systems. The two main advantages of utilizing PGC in a gas turbine engine are: (1) it reduces the essentially unsteady nature of the combustion cycle, resulting in an increase in thermodynamic efficiency, and (2) due to the pressure increase in the combustor, it allows fewer stages in the compressor, resulting in a more compact engine.

While BIS has not identified any engines currently in production using PGC, there is substantial ongoing research regarding potential production. In part because increased fuel efficiency and the potential for a more compact engine provide military advantages such as a longer loiter time and easier packaging. PGC-based propulsion systems for rockets, space launch vehicles, missiles, and military gas turbine engines, and technology directly related thereto, are already defense articles described on the U.S. Munitions List (USML). However, it is increasingly likely that commercial industrial gas turbine engines will be produced with PGC technology, which will likely be controlled on the CCL as Section 1758 technology.

This rule adds paragraph 9E003.a.2.e to control development and production technology for combustors utilizing ‘pressure gain combustion’ that are not described on the USML and adds a technical note to define ‘pressure gain combustion.’ Technology controlled under ECCN 9E003.a.2.e requires a license for NS and AT reasons, respectively, for countries with an “X” listed in columns NS:1 or AT:1 on the Commerce Country Chart. A license exception (see part 740 of the EAR) may authorize a transaction that otherwise would require a license.

Saving Clause (Applicable to the Items Apart From 3D006 Software)

Shipments of items removed from license exception eligibility or eligibility for export, reexport, or transfer (in-country) without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on August 30, 2022, pursuant to actual orders for exports, reexports, and transfers (in-country) to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported, reexported, or transferred (in-country) before September 14, 2022. Any such items not actually exported, reexported, or transferred (in-country) before midnight, on September 14, 2022, require a license in accordance with this interim final rule.

Saving Clause for 3D006 Software

Shipments of items removed from license exception eligibility or eligibility for export, reexport or transfer (in-country) without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on October 14, 2022, pursuant to actual orders for exports, reexports, and transfers (in-country) to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported, reexported, or transferred (in-country) before November 14, 2022. Any such items not actually exported, reexported, or transferred (in-country) before midnight, on November 14, 2022, require a license in accordance with this interim final rule.

Export Control Reform Act of 2018

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

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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 and distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits and of reducing costs, harmonizing rules, and promoting flexibility. This interim final rule has been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. Although this rule makes important changes to the EAR for items controlled for national security reasons, BIS believes that the overall increases in burdens and costs for the following collections fall will be minimal and fall within the already approved amounts for the following collections.

0694–0137 “License Exceptions and Exclusions,” which carries a burden-hour estimate average of 1.5 hours per submission (Note: submissions for License Exceptions are rarely required);

0694–0096 “Five Year Records Retention Period,” which carries a burden-hour estimate of less than 1 minute; and

0607–0152 “Automated Export System (AES) Program,” which carries a burden-hour estimate of 3 minutes per electronic submission.

0694–0088, “Simplified Network Application Processing System,” which carries a burden-hour estimate of 29.4 minutes for a manual or electronic submission.

3. Pursuant to Section 1762 of the ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation and delay in effective date. However, on the recommendation of BIS’s Technical Advisory Committees, there is a 30-day comment period on the implementation of the control on ECCN 3D006 and a 60-day delayed effective date with respect to the addition of ECCN 3D006 to the Commerce Control List.

List of Subjects

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 772 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 772—DEFINITIONS OF TERMS

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

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

■ 2. Section 772.1 is amended by adding *Gate-All-Around Field-Effect Transistor* (“*GAAFET*”) in alphabetical order to read as follows:

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

* * * * *

Gate-All-Around Field-Effect Transistor (“*GAAFET*”). (Cat 3)—A device having a single or multiple semiconductor conduction channel element(s) with a common gate structure that surrounds and controls current in all of the semiconductor conduction channel elements. (*Note:* This definition includes nanosheet or nanowire field-effect and surrounding gate transistors and other “*GAAFET*” semiconductor channel element structures.)

* * * * *

PART 774—THE COMMERCE CONTROL LIST

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

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

■ 4. In supplement no. 1 to part 774, Category 3, ECCN 3C001, 3C005, and 3C006 are revised to read as follows:

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

* * * * *

3C001 Hetero-epitaxial materials consisting of a “substrate” having stacked epitaxially grown multiple layers of any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

<i>Control(s)</i>	<i>Country chart</i> (See <i>Supp. No. 1 to part 738</i>)
NS applies to entire entry.	NS Column 2.
AT applies to entire entry.	AT Column 1.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: N/A

List of Items Controlled

Related Controls: This entry does not control equipment or material whose functionality has been unalterably disabled.

Related Definitions: N/A
Items:

- a. Silicon (Si);
- b. Germanium (Ge);
- c. Silicon Carbide (SiC);
- d. “III/V compounds” of gallium or indium;

Note: 3C001.d does not apply to a “substrate” having one or more P-type epitaxial layers of Gallium Nitride (GaN), Indium Gallium Nitride (InGaN), Aluminum Gallium Nitride (AlGaN), Indium Aluminum Nitride (InAlN), Indium Aluminum Gallium Nitride (InAlGaN), Gallium Phosphide (GaP), Gallium Arsenide (GaAs), Aluminum Gallium Arsenide (AlGaAs), Indium Phosphide (InP), Indium Gallium Phosphide (InGaP), Aluminum Indium Phosphide (AlInP), or Indium Gallium Phosphide (InGaIP), independent of the sequence of the elements, except if the P-type epitaxial layer is between N-type layers.

- e. Gallium Oxide (Ga₂O₃); or
- f. Diamond.

* * * * *

3C005 High resistivity materials as follows (See List of Items Controlled).

License Requirements

Reason for Control: NS, AT

<i>Control(s)</i>	<i>Country chart</i> (See <i>Supp. No. 1 to part 738</i>)
NS applies to entire entry.	NS Column 2.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: Yes

List of Items Controlled

Related Controls: See ECCN 3E001 for related development and production technology, and ECCN 3B991.b.1.b for related production equipment.

Related Definition: N/A
Items:

- a. Silicon Carbide (SiC), Gallium Nitride (GaN), Aluminum Nitride (AlN), Aluminum Gallium Nitride (AlGaN), Gallium Oxide (Ga₂O₃), or diamond semiconductor “substrates”, or ingots, boules, or other preforms of those materials, having resistivities greater than 10,000 ohm-cm at 20 °C;
- b. Polycrystalline “substrates” or polycrystalline ceramic “substrates”, having resistivities greater than 10,000 ohm-cm at 20 °C and having at least one non-epitaxial single-crystal layer of Silicon (Si), Silicon Carbide (SiC), Gallium Nitride (GaN), Aluminum Nitride (AlN), Aluminum Gallium Nitride (AlGaN), Gallium Oxide (Ga₂O₃), or diamond on the surface of the “substrate”.

3C006 Materials, not specified by 3C001, consisting of a “substrate” specified by 3C005 with at least one epitaxial layer of Silicon Carbide (SiC), Gallium Nitride (GaN), Aluminum Nitride (AlN), Aluminum Gallium Nitride (AlGaN), Gallium Oxide (Ga₂O₃) or diamond.

License Requirements

Reason for Control: NS, AT

<i>Control(s)</i>	<i>Country chart</i> (See <i>Supp. No. 1 to part 738</i>)
NS applies to entire entry.	NS Column 2.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: Yes

List of Items Controlled

Related Controls: See ECCN 3D001 for related “development” or “production” “software”, ECCN 3E001 for related “development” and “production” “technology”, and ECCN 3B991.b.1.b for related “production” equipment.

Related Definition: N/A
Items:

- The list of items controlled is contained in the ECCN heading.
- 5. Effective October 14, 2022, in supplement no. 1 to part 774, Category 3, ECCN 3D006 is added after 3D005 to read as follows:

3D006 ‘Electronic Computer-Aided Design’ (‘ECAD’) “software” “specially designed” for the “development” of integrated circuits having any “Gate-All-Around Field-Effect Transistor” (‘GAAFET’) structure, and having any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

<i>Control(s)</i>	<i>Country chart (See Supp. No. 1 to part 738)</i>
NS applies to entire entry.	NS Column 2.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. “Specially designed” for implementing ‘Register Transfer Level’ (‘RTL’) to ‘Geometrical Database Standard II’ (‘GDSII’) or equivalent standard; or

b. “Specially designed” for optimization of power or timing rules.

Technical Notes:

1. ‘Electronic Computer-Aided Design’ (‘ECAD’) is a category of “software” tools used for designing, analyzing, optimizing, and validating the performance of an integrated circuit or printed circuit board.

2. ‘Register Transfer Level’ (‘RTL’) is a design abstraction which models a synchronous digital circuit in terms of the flow of digital signals between hardware registers and the logical operations performed on those signals.

3. ‘Geometrical Database Standard II’ (‘GDSII’) is a database file format for data exchange of integrated circuit or integrated circuit layout artwork.

■ 6. In supplement no. 1 to part 774, Category 3, ECCN 3E003 is revised to read as follows:

3E003 Other “technology” for the “development” or “production” of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s) *Country chart (See Supp. No. 1 to part 738)*

NS applies to entire entry.
AT applies to entire entry.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except .f and .g

List of Items Controlled

Related Controls: See 3E001 for Silicon-On-Insulation (SOI) technology for the “development” or “production” related to radiation hardening of integrated circuits.

Related Definitions: N/A

Items:

a. Vacuum microelectronic devices;
b. Hetero-structure semiconductor electronic devices such as high electron mobility transistors (HEMT), hetero-bipolar transistors (HBT), quantum well and super lattice devices;

Note: 3E003.b does not control “technology” for high electron mobility transistors (HEMT) operating at frequencies lower than 31.8 GHz and hetero-junction bipolar transistors (HBT) operating at frequencies lower than 31.8 GHz.

c. “Superconductive” electronic devices;
d. Substrates of diamond for electronic components;
e. Substrates of Silicon-On-Insulator (SOI) for integrated circuits in which the insulator is Silicon Dioxide (SiO₂);
f. Substrates of Silicon Carbide (SiC) for electronic components;
g. “Vacuum electronic devices” operating at frequencies of 31.8 GHz or higher;
h. Substrates of Gallium Oxide (Ga₂O₃) for electronic components.

■ 7. In supplement no. 1 to part 774, Category 9, ECCN 9E003 is revised to read as follows:

9E003 Other “technology” as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SI, AT

<i>Control(s)</i>	<i>Country chart (See Supp. No. 1 to part 738)</i>
NS applies to entire entry.	NS Column 1.
SI applies to 9E003.a.1 through a.8, .h, .i, and .k.	See § 742.14 of the EAR for additional information.
AT applies to entire entry.	AT Column 1.

Reporting Requirements

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

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit any technology in 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the destinations listed in Country Group A:6 (See supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) Hot section “technology” “specifically designed,” modified, or equipped for military uses or purposes, or developed principally with U.S. Department of Defense funding, is “subject to the ITAR” (see 22 CFR parts 120 through 130). (2) “Technology” is subject to the EAR when actually applied to a commercial “aircraft” engine program. Exporters may seek to establish commercial application either on a case-by-case basis through submission of documentation demonstrating application to a commercial program in requesting an export license from the Department Commerce in respect to a specific export, or in the case of use for broad categories of “aircraft,” engines, “parts” or “components,” a commodity jurisdiction determination from the Department of State.

Related Definitions: N/A

Items:

a. “Technology” “required” for the “development” or “production” of any of the following gas turbine engine “parts,” “components” or systems:

a.1. Gas turbine blades, vanes or “tip shrouds”, made from Directionally Solidified (DS) or Single Crystal (SC) alloys and having (in the 001 Miller Index Direction) a stress-rupture life exceeding 400 hours at 1,273 K (1,000°C) at a stress of 200 MPa, based on the average property values;

Technical Note: For the purposes of 9E003.a.1, stress-rupture life testing is typically conducted on a test specimen.

a.2. Combustors having any of the following:
a.2.a. ‘Thermally decoupled liners’ designed to operate at ‘combustor exit temperature’ exceeding 1,883 K (1,610°C);
a.2.b. Non-metallic liners;

a.2.c. Non-metallic shells;
a.2. d. Liners designed to operate at 'combustor exit temperature' exceeding 1,883 K (1,610°C) and having holes that meet the parameters specified by 9E003.c; or

a.2.e. Utilizing 'pressure gain combustion';

Technical Note: In 'pressure gain combustion' the bulk average stagnation pressure at the combustor outlet is greater than the bulk average stagnation pressure at the combustor inlet due primarily to the combustion process, when the engine is running in a "steady state mode" of operation.

Note: The "required" "technology" for holes in 9E003.a.2 is limited to the derivation of the geometry and location of the holes.

Technical Notes:

1. 'Thermally decoupled liners' are liners that feature at least a support structure designed to carry mechanical loads and a combustion facing structure designed to protect the support structure from the heat of combustion. The combustion facing structure and support structure have independent thermal displacement (mechanical displacement due to thermal load) with respect to one another, i.e., they are thermally decoupled.

2. 'Combustor exit temperature' is the bulk average gas path total (stagnation) temperature between the combustor exit plane and the leading edge of the turbine inlet guide vane (i.e., measured at engine station T40 as defined in SAE ARP 755A) when the engine is running in a "steady state mode" of operation at the certificated maximum continuous operating temperature.

N.B.: See 9E003.c for "technology" "required" for manufacturing cooling holes.

a.3. "Parts" or "components," that are any of the following:

a.3.a. Manufactured from organic "composite" materials designed to operate above 588 K (315 °C);

a.3.b. Manufactured from any of the following:

a.3.b.1. Metal "matrix" "composites" reinforced by any of the following:

a.3.b.1.a. Materials controlled by 1C007;

a.3.b.1.b. "Fibrous or filamentary materials" specified by 1C010; or

a.3.b.1.c. Aluminides specified by 1C002.a; or

a.3.b.2. Ceramic "matrix" "composites" specified by 1C007; or

a.3.c. Stators, vanes, blades, tip seals (shrouds), rotating blings, rotating blisks or 'splitter ducts', that are all of the following:

a.3.c.1. Not specified in 9E003.a.3.a;

a.3.c.2. Designed for compressors or fans; and

a.3.c.3. Manufactured from material controlled by 1C010.e with resins controlled by 1C008;

Technical Note: A 'splitter duct' performs the initial separation of the air-mass flow between the bypass and core sections of the engine.

a.4. Uncooled turbine blades, vanes or "tip shrouds" designed to operate at a 'gas path temperature' of 1,373 K (1,100 °C) or more;

a.5. Cooled turbine blades, vanes or "tip-shrouds", other than those described in 9E003.a.1, designed to operate at a 'gas path temperature' of 1,693 K (1,420 °C) or more;

Technical Note: 'Gas path temperature' is the bulk average gas path total (stagnation) temperature at the leading-edge plane of the turbine component when the engine is running in a "steady state mode" of operation at the certificated or specified maximum continuous operating temperature.

a.6. Airfoil-to-disk blade combinations using solid state joining;

a.7. [Reserved]

a.8. 'Damage tolerant' gas turbine engine rotor "parts" or "components" using powder metallurgy materials controlled by 1C002.b; or

Technical Note: 'Damage tolerant' "parts" and "components" are designed using methodology and substantiation to predict and limit crack growth.

a.9. [Reserved]

N.B.: For "FADEC systems", see 9E003.h.

a.10. [Reserved]

N.B.: For adjustable flow path geometry, see 9E003.i.

a.11. 'Fan blades' having all of the following:

a.11.a. 20% or more of the total volume being one or more closed cavities containing vacuum or gas only; and

a.11.b. One or more closed cavities having a volume of 5 cm³ or larger;

Technical Note: For the purposes of 9E003.a.11, a 'fan blade' is the airfoil portion of the rotating stage or stages, which provide both compressor and bypass flow in a gas turbine engine.

b. "Technology" "required" for the "development" or "production" of any of the following:

b.1. Wind tunnel aero-models equipped with non-intrusive sensors capable of transmitting data from the sensors to the data acquisition system; or

b.2. "Composite" propeller blades or prop-fans, capable of absorbing more than 2,000 kW at flight speeds exceeding Mach 0.55;

c. "Technology" "required" for manufacturing cooling holes, in gas turbine engine "parts" or "components"

incorporating any of the "technologies" specified by 9E003.a.1, 9E003.a.2 or 9E003.a.5, and having any of the following:

c.1. Having all of the following:

c.1.a. Minimum 'cross-sectional area' less than 0.45 mm²;

c.1.b. 'Hole shape ratio' greater than 4.52; and

c.1.c. 'Incidence angle' equal to or less than 25°; or

c.2. Having all of the following:

c.2.a. Minimum 'cross-sectional area' less than 0.12 mm²;

c.2.b. 'Hole shape ratio' greater than 5.65; and

c.2.c. 'Incidence angle' more than 25°;

Note: 9E003.c does not apply to "technology" for manufacturing constant radius cylindrical holes that are straight through and enter and exit on the external surfaces of the component.

Technical Notes:

1. For the purposes of 9E003.c, the 'cross-sectional area' is the area of the hole in the plane perpendicular to the hole axis.

2. For the purposes of 9E003.c, 'hole shape ratio' is the nominal length of the axis of the hole divided by the square root of its minimum 'cross-sectional area'.

3. For the purposes of 9E003.c, 'incidence angle' is the acute angle measured between the plane tangential to the airfoil surface and the hole axis at the point where the hole axis enters the airfoil surface.

4. Methods for manufacturing holes in 9E003.c include "laser" beam machining, water jet machining, Electro-Chemical Machining (ECM) or Electrical Discharge Machining (EDM).

d. "Technology" "required" for the "development" or "production" of helicopter power transfer systems or tilt rotor or tilt wing "aircraft" power transfer systems;

e. "Technology" for the "development" or "production" of reciprocating diesel engine ground vehicle propulsion systems having all of the following:

e.1. 'Box volume' of 1.2 m³ or less;

e.2. An overall power output of more than 750 kW based on 80/1269/EEC, ISO 2534 or national equivalents; and

e.3. Power density of more than 700 kW/m³ of 'box volume';

Technical Note: 'Box volume' is the product of three perpendicular dimensions measured in the following way:

Length: The length of the crankshaft from front flange to flywheel face;

Width: The widest of any of the following:

a. The outside dimension from valve cover to valve cover;

b. The dimensions of the outside edges of the cylinder heads; or
c. The diameter of the flywheel housing;

Height: The largest of any of the following:

a. The dimension of the crankshaft center-line to the top plane of the valve cover (or cylinder head) plus twice the stroke; or

b. The diameter of the flywheel housing.

f. “Technology” “required” for the “production” of “specially designed” “parts” or “components” for high output diesel engines, as follows:

f.1. “Technology” “required” for the “production” of engine systems having all of the following “parts” and “components” employing ceramics materials controlled by 1C007:

f.1.a. Cylinder liners;

f.1.b. Pistons;

f.1.c. Cylinder heads; and

f.1.d. One or more other “part” or “component” (including exhaust ports, turbochargers, valve guides, valve assemblies or insulated fuel injectors);
f.2. “Technology” “required” for the “production” of turbocharger systems with single-stage compressors and having all of the following:

f.2.a. Operating at pressure ratios of 4:1 or higher;

f.2.b. Mass flow in the range from 30 to 130 kg per minute; and

f.2.c. Variable flow area capability within the compressor or turbine sections;

f.3. “Technology” “required” for the “production” of fuel injection systems with a “specially designed” multifuel (e.g., diesel or jet fuel) capability covering a viscosity range from diesel fuel (2.5 cSt at 310.8 K (37.8 °C)) down to gasoline fuel (0.5 cSt at 310.8 K (37.8 °C)) and having all of the following:

f.3.a. Injection amount in excess of 230 mm³ per injection per cylinder; and
f.3.b. Electronic control features “specially designed” for switching governor characteristics automatically depending on fuel property to provide the same torque characteristics by using the appropriate sensors;

g. “Technology” “required” for the “development” or “production” of ‘high output diesel engines’ for solid, gas phase or liquid film (or combinations thereof) cylinder wall lubrication and permitting operation to temperatures exceeding 723 K (450 °C), measured on the cylinder wall at the top limit of travel of the top ring of the piston;

Technical Note: ‘High output diesel engines’ are diesel engines with a specified brake mean effective pressure of 1.8 MPa or more at a speed of 2,300 r.p.m., provided the rated speed is 2,300 r.p.m. or more.

h. “Technology” for gas turbine engine “FADEC systems” as follows:

h.1. “Development” “technology” for deriving the functional requirements for the “parts” or “components” necessary for the “FADEC system” to regulate engine thrust or shaft power (e.g., feedback sensor time constants and accuracies, fuel valve slew rate);

h.2. “Development” or “production” “technology” for control and diagnostic “parts” or “components” unique to the “FADEC system” and used to regulate engine thrust or shaft power;

h.3. “Development” “technology” for the control law algorithms, including “source code”, unique to the “FADEC system” and used to regulate engine thrust or shaft power;

Note: 9E003.h does not apply to technical data related to engine-“aircraft” integration required by civil aviation authorities of one or more Wassenaar Arrangement Participating States (See supplement No. 1 to part 743 of the EAR) to be published for general airline use (e.g., installation manuals, operating instructions, instructions for continued airworthiness) or interface functions (e.g., input/output processing, airframe thrust or shaft power demand).

i. “Technology” for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles, as follows:

i.1. “Development” “technology” for deriving the functional requirements for the “parts” or “components” that maintain engine stability;

i.2. “Development” or “production” “technology” for “parts” or “components” unique to the adjustable flow path system and that maintain engine stability;

i.3. “Development” “technology” for the control law algorithms, including “source code”, unique to the adjustable flow path system and that maintain engine stability;

Note: 9E003.i does not apply to “technology” for any of the following:

a. Inlet guide vanes;

b. Variable pitch fans or prop-fans;

c. Variable compressor vanes;

d. Compressor bleed valves; or

e. Adjustable flow path geometry for reverse thrust.

j. “Technology” “required” for the “development” of wing-folding systems designed for fixed-wing “aircraft” powered by gas turbine engines.

N.B.: For “technology” “required” for the “development” of wing-folding systems designed for fixed-wing “aircraft” specified in USML Category VIII (a), see USML Category VIII (i).

k. “Technology” not otherwise controlled in 9E003.a.1 through a.8,

a.10, and .h and used in the “development”, “production”, or overhaul of hot section “parts” or “components” of civil derivatives of military engines controlled on the U.S. Munitions List.

Thea D. Rozman Kendler,
Assistant Secretary for Export
Administration.

[FR Doc. 2022–17125 Filed 8–12–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2021–0009; T.D. TTB–184;
Ref: Notice No. 206]

RIN 1513–AC72

Establishment of the Gabilan Mountains Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 98,000-acre “Gabilan Mountains” viticultural area in Monterey and San Benito Counties, in California. The newly-established Gabilan Mountains viticultural area is located entirely within the existing Central Coast viticultural area and entirely encompasses the existing Mt. Harlan and Chalona viticultural areas. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective September 14, 2022.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading

statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain administrative and enforcement authorities to TTB through Treasury Order 120–01.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and, once approved, a name and a delineated boundary codified in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and allows any interested party to petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions to establish or modify AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;

- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;

- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition;

- If the petition proposes the establishment of a new AVA that is larger than, and encompasses, one or more existing AVAs, the evidence submitted under paragraph (a) of § 9.12 must include information addressing whether, and to what extent, the attributes of the proposed AVA are consistent with those of the existing AVA(s);

- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and

- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Gabilan Mountains Petition

TTB received a petition from Parker Allen of Coastview Vineyards, proposing to establish the “Gabilan Mountains” AVA. The proposed AVA is located in Monterey and San Benito Counties, in California, and lies entirely within the established Central Coast AVA (27 CFR 9.75). Additionally, the proposed AVA encompasses the established Mt. Harlan (27 CFR 9.131) and Chalone (27 CFR 9.24) AVAs. Within the proposed AVA, there are 6 commercial vineyards, which cover a total of approximately 436 acres, as well as 4 wineries. The distinguishing features of the proposed Gabilan Mountains AVA are its elevation, climate, and soils.

Elevation

The proposed Gabilan Mountains AVA is located in a mountainous region with high elevations. According to the petition, the average elevation within the proposed AVA is 2,370 feet. By contrast, all surrounding regions have lower elevations. To the north of the proposed AVA, the average elevation in the Santa Clara Valley AVA (27 CFR 9.126) is 345 feet. The average elevation within the established Arroyo Seco AVA (27 CFR 9.59), located to the south

of the proposed AVA, is 331 feet. To the east of the proposed AVA, the average elevation ranges from 778 feet within the established Paicenes AVA (27 CFR 9.39) to 1,105 feet within the established Cienega Valley AVA (27 CFR 9.38).

West of the proposed AVA, the average elevation ranges from 480 feet within the established Monterey AVA (27 CFR 9.98) to 512 feet within the established Santa Lucia Highlands AVA (27 CFR 9.139).

According to the petition, the proposed AVA's higher elevations place it above the heavy fog and marine layer. As a result, the proposed AVA has a cool air climate without the humidity from the fog and low-lying clouds. The petition claims that the lower humidity levels significantly reduce mildew pressure in the proposed AVA, which allows growers to use less fungicide and pursue more organic practices during the growing season.

Climate

The petition states that the climate of the proposed Gabilan Mountains AVA distinguishes it from the surrounding regions, particularly with respect to fog and rainfall. According to the petition, the proposed AVA averages fewer than 2.5 hours of fog and low clouds per day each year during the months of June through September. The regions to the west and north of the proposed AVA each average nine hours of fog and low cloud cover daily, while the region to the south averages seven hours. Paicines, which is to the east of the proposed AVA and sheltered from the marine air by the Hollister Hills, receives an average of only 2 hours of fog and low cloud cover daily. According to the petition, the low amounts of fog and lack of low clouds in the proposed AVA allow grapevines more access to direct sunlight, which assists photosynthesis of the vines for proper maturation. The lack of fog and low clouds also reduces the amount of humidity in the proposed AVA, reducing the chance of mildew developing in the vineyards.

Although the proposed AVA has less fog and low cloud cover than most of the surrounding regions, annual rainfall amounts within the proposed Gabilan Mountains AVA are higher. The proposed AVA receives an average of 17.24 inches of rain each year, with over 12 inches of that total falling during the fall and winter months. The region to the north of the proposed AVA averages 14.19 inches of rain annually, while the region to the east receives 16.06 inches. To the south of the proposed AVA, the average annual rainfall total is 12.06 inches, and the amount for the region to

the west is 12.83 inches. The petition states that higher rainfall amounts during the fall and winter months act to clear the soil and send nutrients and carbohydrates to the dormant vines' roots. The petition also states that within the AVA, the drier summers reduce the risk of moisture-related diseases damaging the fruit and keep the sugars and acids in balance closer to harvest.

Soils

The petition describes the soils of the proposed Gabilan Mountains AVA as moderately coarse textured soils over a bedrock of granite. The soils are rich in calcium due to the high limestone content. The petition states that the high calcium content of the soil causes grapes to carry acid later into the growing season, allowing growers to let the grapes remain on the vines longer so that they reach physiological ripeness. The soils are primarily from the Sheridan-Cienega-Auberry association and are well-drained to excessively drained. According to the petition, the quick-draining soils cause stress to the vines during the growing season, resulting in intense flavors and rich, hardy skins that are less frequently associated with vines grown in poorly drained soils.

By contrast, the petition states that the soils to the east and west of the proposed Gabilan Mountains AVA are medium textured soils on floodplains and alluvial fans. The petition includes a map of the soil associations of San Benito County, which includes the region to the east of the proposed AVA. According to the map, the soils east of the proposed AVA are primarily from the San Benito-Gazos-Linne association. The petition did not include information about the soils to the north and south of the proposed AVA or a soil association map showing the specific soil associations to the west of the proposed AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 206 in the **Federal Register** on November 10, 2021 (86 FR 62495), proposing to establish the Gabilan Mountains AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also included the information from the petition comparing the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for

a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 206.

In Notice No. 206, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Gabilan Mountains AVA's location within the Central Coast AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the established AVA. TTB also requested comments on whether the geographic features of the proposed AVA are so distinguishable from the established Central Coast AVA that the proposed AVA should no longer be part of the established AVA. Finally, because the proposed AVA encompasses the existing Mt. Harlan and Chalona AVAs, TTB requested comments on whether the proposed AVA is sufficiently different from the existing AVAs, and if the features of the proposed AVA are so different that one or both of the established AVAs should not be included within it. The comment period closed January 10, 2022.

In response to Notice No. 206, TTB received two comments. Both comments support establishing the proposed AVA. Neither comment addressed the inclusion of the Mt. Harlan and Chalona AVAs within the proposed Gabilan Mountains AVA or the proposed AVA's inclusion in the Central Coast AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 206, TTB finds that the evidence provided by the petitioner supports the establishment of the Gabilan Mountains AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the "Gabilan Mountains" AVA in portions of Monterey and San Benito Counties, California, effective 30 days from the publication date of this document.

TTB has also determined that the Gabilan Mountains AVA will remain part of the established Central Coast AVA. As discussed in Notice No. 206, the Gabilan Mountains AVA shares some broad characteristics with the established AVA. For example, the primary characteristic of the Central Coast AVA is its marine-influenced climate, which results in higher rainfall amounts than occur in the inland valleys on the eastern side of the Coastal

Ranges. The Gabilan Mountains AVA also experiences higher annual rainfall amounts than the regions to the east of the Coastal Ranges. However, due to its higher elevations, the Gabilan Mountains AVA experiences less marine fog incursion than many of the lower elevations in the Central Coast AVA. Additionally, due to its smaller size, the soils and elevations of the Gabilan Mountains AVA are less varied than those of the large, multi-county Central Coast AVA.

Finally, TTB has determined that the Mt. Harlan and Chalona AVAs will remain a part of the Gabilan Mountains AVA. All three AVAs are high elevation AVAs that experience less marine fog than the lower neighboring regions. Like the Gabilan Mountains AVA, the Mt. Harlan AVA contains soils of the Sheridan, Cienega, and Auberry series, and the Chalona AVA soils contain large amounts of calcium derived from limestone. However, the Mt. Harlan and Chalona AVAs also have characteristics that distinguish themselves from the Gabilan Mountains AVA and justify their continued existence as AVAs within the larger AVA. For example, both the Mt. Harlan and Chalona AVAs contain a narrower range of elevations due to their smaller size. Additionally, due to its proximity to the Hollister and Cienega Valleys that funnel storms in from the Pacific Ocean, the Mt. Harlan AVA receives more rainfall each year than the Gabilan Mountains AVA as a whole. The Chalona AVA, however, is sheltered from the Pacific storms by the Santa Lucia Mountains and receives less rainfall annually than the Gabilan Mountains AVA as a whole.

Boundary Description

See the narrative description of the boundary of the Gabilan Mountains AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. The Gabilan Mountains AVA boundary may also be viewed on the AVA Map Explorer on the TTB website, at <https://www.ttb.gov/wine/ava-map-explorer>.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by

that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of the Gabilan Mountains AVA, its name, “Gabilan Mountains,” will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulations clarifies this point. Consequently, wine bottlers using the name “Gabilan Mountains” in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the Gabilan Mountains AVA will not affect the existing Central Coast, Mt. Harlan, or Chalone AVAs, and any bottlers using “Central Coast,” “Mt. Harlan,” or “Chalone” as an appellation of origin or in a brand name for wines made from grapes grown within those AVAs will not be affected by the establishment of this new AVA. The establishment of the Gabilan Mountains AVA will allow vintners to use “Gabilan Mountains” and “Central Coast” as appellations of origin for wines made primarily from grapes grown within the Gabilan Mountains AVA if the wines meet the eligibility requirements for these appellations. Additionally, vintners may use “Gabilan Mountains” as an appellation of origin in addition to or in place of “Mt. Harlan” or “Chalone” for wines made primarily from grapes grown in the Mt. Harlan or Chalone AVAs if the wines meet the eligibility requirements for either of these appellations.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirements. Any benefit derived from the use of an AVA name would be the result of a proprietor’s efforts and consumer acceptance of wines from that area.

Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

- 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

- 2. Subpart C is amended by adding § 9.288 to read as follows:

§ 9.288 Gabilan Mountains.

(a) *Name.* The name of the viticultural area described in this section is “Gabilan Mountains.” For purposes of part 4 of this chapter, “Gabilan Mountains” is a term of viticultural significance.

(b) *Approved maps.* The 10 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Gabilan Mountains viticultural area are titled:

- (1) Hollister, CA, 2015;
- (2) Mount Harlan, CA, 2015;
- (3) Paicines, CA, 2015;
- (4) Bickmore Canyon, CA, 2015;
- (5) North Chalone Peak, CA, 2015;
- (6) Soledad, CA, 2015;
- (7) Mount Johnson, CA, 2015;
- (8) Gonzales, CA, 2015;
- (9) Natividad, CA, 2015; and
- (10) San Juan Bautista, CA, 2015.

(c) *Boundary.* The Gabilan Mountains viticultural area is located in Monterey and San Benito Counties in California. The boundary of the Gabilan Mountains viticultural area is as described as follows:

(1) The beginning point is on the Hollister map at the intersection of the 1,520-foot elevation contour and an unnamed local road known locally as San Juan Canyon Road, southeast of the southernmost intersection of San Juan Canyon Road and Hillside Road. From the beginning point, proceed south, then southeasterly along the meandering 1,520-foot elevation contour to its

intersection with a west-east flowing tributary of Bird Creek in Azalea Canyon; then

(2) Proceed southeast in a straight line, crossing Azalea Canyon and the main channel of Bird Creek, to the intersection of the 1,520-foot elevation contour and a southeast-northwest flowing tributary of Bird Creek; then

(3) Proceed generally southeasterly along the 1,520-foot elevation contour to its intersection with the eastern fork of an unnamed stream; then

(4) Proceed southeast in a straight line, crossing onto the Mount Harlan map, to the intersection of the 1,600-ft elevation contour and the northernmost unnamed creek; then

(5) Proceed generally south, then north along the 1,600-foot elevation contour to its intersection with a north-south trending tributary of Pescadero Creek; then

(6) Proceed south in a straight line, crossing Pescadero Creek, to the 1,520-foot elevation contour; then

(7) Proceed easterly along the meandering 1,520-foot elevation contour, crossing onto the Paicines map, and continuing along the 1,520-foot elevation contour as it meanders back and forth between the Mount Harlan map and the Paicines map, crossing Thompson Creek and continuing along the 1,520-foot elevation contour to its intersection with the eastern fork of an unnamed intermittent stream on the Paicines map north of Three Troughs Canyon; then

(8) Proceed southeast in a straight line to a fork in a tributary of Stone Creek east of Three Troughs Canyon; then

(9) Proceed east-southeast in a straight line, crossing onto the Bickmore Canyon map, to the intersection of an unnamed tributary of the San Benito River and the 1,520-foot elevation contour; then

(10) Proceed southeasterly along the 1,520-foot elevation contour to a point north of the confluence of Willow Creek and the South Fork of Willow Creek; then

(11) Proceed south in a straight line to the confluence of Willow Creek and the South Fork of Willow Creek; then

(12) Proceed east in a straight line to State Route 25; then

(13) Proceed southeasterly along State Route 25 to its intersection with the boundary of Pinnacles National Park; then

(14) Proceed south, then east, then generally south along the boundary of Pinnacles National Park, crossing onto the North Chalone Peak map, to the intersection of the National Park boundary and the 1,520-foot elevation contour northeast of Mann Canyon; then

(15) Proceed westerly along the 1,520-foot elevation contour to its intersection with CA-146; then

(16) Proceed southwest in a straight line, crossing onto the Soledad map, to the fork in an unnamed intermittent creek running parallel to Fabry Road; then

(17) Proceed northwest in a straight line, crossing over Stonewall Creek, the unnamed intermittent creek and its tributaries in Bryant Canyon, and a second unnamed intermittent creek, to the intersection of the 1,480-foot elevation contour and the northern terminus of a third unnamed intermittent stream; then

(18) Proceed north in a straight line to the 1,520-foot elevation contour; then

(19) Proceed southwest, then generally northwest along the meandering 1,520-foot elevation contour, crossing over the Mount Johnson map and back and forth between the Gonzales map and the Mount Johnson map to the intersection of the 1,520-foot elevation contour and an unnamed tributary of Chular Creek southeast of Espinosa Canyon on the Gonzales map; then

(20) Proceed northwest in a straight line, crossing Chular Creek and Espinosa Canyon, to the 1,520-foot elevation contour; then

(21) Proceed generally northwesterly, then northeasterly along the 1,520-foot elevation contour, crossing over the Mount Harlan, Natividad, San Juan Bautista, and Hollister maps, returning to the beginning point on the Hollister map.

Signed: August 4, 2022.

Mary G. Ryan,
Administrator.

Approved: August 5, 2022.

Thomas C. West, Jr.,
Deputy Assistant Secretary (Tax Policy).

[FR Doc. 2022-17508 Filed 8-12-22; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0241]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation for the Ocean City Air Show on September 18, 2022, from 12 p.m. through 3 p.m. to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event as Ocean City, NJ. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the Ocean City Air Show listed in table 1 to paragraph (i)(1) to § 100.501 from 12 p.m. through 3 p.m. on September 18, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Jennifer Padilla, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215-271-4814, email Jennifer.I.Padilla@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.501 for the Ocean City Airshow regulated area from 12 p.m. through 3 p.m. on September 18, 2022. These actions are being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, table to § 100.501, specifies the location of the regulated area as all waters of the North Atlantic Ocean, adjacent to Ocean City, New Jersey, bounded by a line connecting the following points: latitude 39°15'57"N, longitude 074°35'09"W, thence northeast to latitude 39°16'34" N, longitude 074°33'54"W, thence southeast to latitude 39°16'17"N, longitude 074°33'29"W, thence southwest to latitude 39°15'40"N, longitude 074°34'46"W, thence northwest to point of origin, near Ocean City, NJ.

During the enforcement periods, as reflected in § 100.501(g), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of the enforcement periods via broadcast notice to mariners.

Dated: August 9, 2022.

Jonathan D. Theel,
Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2022-17463 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0633]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Atlantic City Ironman on September 10, 2022 to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Atlantic City, NJ. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the regulated areas listed in Table 1 to Paragraph (i)(1) of § 100.501 for the Atlantic City Ironman from 6 a.m. to 10:30 a.m. on September 10, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: 215-271-4814, Email: SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.501, for the Atlantic City Ironman from 6:00 a.m. to 10:30 a.m. on September 10, 2022. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Atlantic City Ironman which encompasses portions of the New Jersey Intracoastal Waterway. As reflected in § 100.501(d)(2), during the enforcement periods, if you are the operator of a

vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, and marine information broadcasts.

Dated: August 9, 2022.

Jonathan D. Theel,

Captain, U.S. Coast Guard. Captain of the Port, Delaware Bay.

[FR Doc. 2022-17460 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0240]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation for the Thunder Over the Boardwalk Air Show from 8 a.m. through 3:30 p.m. on August 22, 23 and 24, 2022, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Atlantic City, NJ. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the Thunder Over the Boardwalk Air Show event listed in table 1 to paragraph (i)(1) to § 100.501 from 8 a.m. through 3:30 p.m. on each of the following dates: August 22, 2022, August 23, 2022 and August 24, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Jennifer Padilla, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215-271-4814, email Jennifer.I.Padilla@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.501 for the

Thunder Over the Boardwalk Airshow regulated area from 8 a.m. through 3:30 p.m. on August 22, 23, and 24, 2022. This action is being taken to provide for the safety of life on navigable waterways during this 3-day event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Thunder Over the Boardwalk Airshow which encompasses waters of the North Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: From a point along the shoreline at latitude 39°21'31" N, longitude 074°25'04" W, thence southeasterly to latitude 39°21'08" N, longitude 074°24'48" W, thence southwesterly to latitude 39°20'16" N, longitude 074°27'17" W, thence northwesterly to a point along the shoreline at latitude 39°20'44" N, longitude 074°27'31" W, thence northeasterly along the shoreline to latitude 39°21'31" N, longitude 074°25'04" W.

During the enforcement periods, as reflected in § 100.501(g), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of the enforcement periods via broadcast notice to mariners.

Dated: August 9, 2022.

Jonathan D. Theel,

Captain, U.S. Coast Guard. Captain of the Port, Delaware Bay.

[FR Doc. 2022-17462 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2022-0015]

RIN 1625-AA09

Drawbridge Operation Regulation; Grand Canal, Indian Harbour Beach, FL

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

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Lansing Island Bridge across Grand Canal, mile 0.7 at Indian Harbour Beach, FL. A request was made to the Coast Guard to allow the drawbridge to remain closed to navigation and

untended during the overnight hours due to a lack of requested openings.

DATES: This rule is effective September 14, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number USCG-2022-0015 in the "SEARCH" box and click "SEARCH". In the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District, telephone 305-415-6740, email Jennifer.N.Zercher@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
FL Florida

II. Background Information and Regulatory History

On February 1, 2022, the Coast Guard published a Test Deviation, with a request for comments, entitled Drawbridge Operation Regulation; Grand Canal, Indian Harbour Beach, FL in the **Federal Register** (87 FR 5401), to test this operating schedule for the Lansing Island Bridge. Zero comments were received during the test period.

On June 2, 2022, the Coast Guard published a Notice of Proposed Rulemaking entitled Drawbridge Operation Regulation; Grand Canal, Indian Harbour Beach, FL, in the **Federal Register** (87 FR 33460). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended July 5, 2022, we received zero comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Lansing Island Bridge across Grand Canal, mile 0.7, at Indian Harbour Beach, FL, is a single-leaf bascule bridge with a 16-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is set forth in 33 CFR 117.285(a). Navigation on the waterway consists mainly of recreational mariners.

The bridge owner, Lansing Island Homeowners Association, Inc. requested the Coast Guard consider allowing the drawbridge to remain closed to navigation and untended during the overnight hours due to a lack of requested openings. We requested a copy of the bridge logs from January 1, 2021, through November 30, 2021. After reviewing the logs, the Coast Guard found the drawbridge provided three openings between the hours of 10 p.m. and 6 a.m. Two channels provide alternate access to Grand Canal. Vessels that can pass beneath the bridge without an opening may do so at any time.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided two comment periods totaling 90 days and received zero comments.

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.

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, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels capable of transiting under the bridge, without an opening, may do so at any time and alternate routes for vessels to transit Grand Canal are available.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 received zero comments from the Small Business Administration on this rule. 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 bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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 Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.285 by revising paragraph (a) to read as follows:

§ 117.285 Grand Canal.

(a) The draw of the Lansing Island Bridge, mile 0.7, at Indian Harbour Beach, shall open on signal, except that from 10 p.m. to 6 a.m., daily, the draw need not open for the passage of vessels and will be untended.

* * * * *

Dated: August 1, 2022.

Brendan C. McPherson,

*Rear Admiral, U.S. Coast Guard, Commander
Coast Guard Seventh District.*

[FR Doc. 2022-17478 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0646]

RIN 1625-AA00

Safety Zone; Lake of the Ozarks, Mile Marker 7 Lake of the Ozarks, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500 foot radius of a fireworks launch barge at 38°12'29.502"N, -92°45'15.4686"W, in the main channel, of the Lake of the Ozarks. The safety zone is to protect personnel, vessels, and the marine environment from potential hazards created by the fireworks display. Entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective on August 26, 2022, from 8:45 p.m. through 9:45 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0646 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 about this proposed rulemaking, call or email MSTC Nathaniel Dibley, Waterways Management Division U.S. Coast Guard; telephone (314) 269-2550, email Nathaniel.D.Dibley@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, Purpose, and Legal Basis

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 we must establish this safety zone by August 26, 2022 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the fireworks display on the Lake of the Ozarks.

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 Upper Mississippi River (COTP) has determined that potential hazards associated with the fireworks display on August 26, 2022 will be a safety concern for anyone on the Lake of the Ozarks at the designated launch location. This rule resulted from a marine event notification stating that there will be a fireworks display on the Lake of the Ozarks. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone before, during, and after the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:45 p.m. until 9:45 p.m. on August 26, 2022. The safety zone will cover all navigable waters within a 500 foot radius of a fireworks launch barge located at mile marker 7 on the Lake of the Ozarks. The duration of this zone is intended to protect personnel, vessels, and the marine environment in these navigable waters before, during, and after the fireworks display. No vessel or person will be permitted to enter the

safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River. The COTP or a designated representative will inform the public of the enforcement date and times for these safety zones, as well as any emergent safety concerns that may delay the enforcement of the zones.

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 on size, location, and duration of the temporary safety zones. This action involves a fireworks display at 38°12'29.502"N, -92°45'15.4686"W, in the main channel, on the Lake of the Ozarks on August 26, 2022. Moreover, the Coast Guard will publish a Local Notice to Mariners and mariners may seek permission to enter the zones.

B. Impact on Small Entities

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

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

economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please 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 safety zone lasting only 1 hour that will prohibit entry within a 500 foot radius of a fireworks launch barge. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0646 to read as follows:

§ 165.T08–0646 Safety Zone; Lake of the Ozarks, Mile Marker 7.

(a) *Location.* The following area is a safety zone: all navigable waters extending 500 feet in all directions around a fireworks launch barge at 38°12′29.502″N, –92°45′15.4686″W, in the main channel, on the Lake of the Ozarks.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, persons and vessels are prohibited from entering the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF radio Channel 16 or by telephone at 314–269–2332.

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

(c) *Informational broadcasts.* The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone through either a Safety Marine Information Broadcast (SMIB), Broadcast Notice to Mariners (BNM) and/or the Local Notices to Mariners (LNMs).

(d) *Enforcement period.* This section will be enforced from 8:45 p.m. until 9:45 p.m. on August 26, 2022.

A.R. Bender,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2022–17441 Filed 8–12–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0675]

RIN 1625–AA87

Safety Zone; Atlantic Ocean, Kiawah Island, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for certain navigable waters of the Atlantic Ocean in the vicinity of Kiawah Island, South Carolina to prevent waterside threats and incidents for persons under the protection of the United States Secret Service. The action is necessary to protect an official party, public, and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents or other events of a similar nature. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Charleston, or a designated representative.

DATES: This rule is effective without actual notice from August 15, 2022 through 6 p.m. on August 17, 2022. For the purposes of enforcement, actual notice will be used from 3 p.m. on August 10, 2022 until August 15, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0675 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 Petty Officer Thomas Welker, Sector Charleston, Waterways Management Division, U.S. Coast Guard; telephone 843–740–3186, email Thomas.J.Welker@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 local authorities asked the Coast Guard to establish the security zone within 3 days of the request. Therefore, the Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. Immediate action is needed to prevent vessels from approaching the location in Kiawah Island, SC of persons under the protection of the United States Secret Service (USSS protectees). It is impracticable to publish an NPRM because we must establish this security zone by August 10, 2022. It would be contrary to public interest to postpone establishing the temporary security zone.

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 immediate action is needed to prevent interference with the USSS protectees visit to Kiawah Island, SC.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port (COTP) Charleston has determined that the USSS protectees visit from August 10, 2022, to August 17, 2022, presents a potential target for terrorist attack, sabotage, or other subversive acts, accidents, or other causes of a similar nature. This security zone is necessary to protect the official party, public, and surrounding waterways adjacent to the visit site in Kiawah Island, South Carolina.

IV. Discussion of the Rule

This rule establishes a security zone from 3 p.m. on August 10, 2022, through 6 p.m. on August 17, 2022. The security zone will cover all navigable waters of the Atlantic Ocean extending 1 mile seaward from the shoreline, into the Atlantic Ocean beginning at 32°36′15.9″ N, 080°3′53.3″ W, proceeding easterly along the shoreline to 32°36′26.6″ N, 080°2′51.9″ W.

The duration of the zone is intended ensure the security of the USSS protectees during the scheduled event. No vessel or person will be permitted to enter, transit through, anchor in or remain within the security zone without obtaining permission from the COTP or a designated representative. If authorization to enter, transit through, anchor in, or remain within the security zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of

the COTP or a designated representative.

The Coast Guard will provide notice of the security zone by Broadcast Notice to Mariners, or by on-scene designated representatives. And if during this period, the USSS protectees have left the area and the COTP no longer sees a need to enforce the security zone, the COTP will issue a general permission to enter via a Broadcast Notice to Mariners. This would indicate that the zone will no longer be subject to enforcement.

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 and location of the security zone. The security zone is limited in size and location as it will cover 1 square mile of the Atlantic Ocean in the vicinity of Kiawah Island, South Carolina. Although persons and vessels will not be able to enter, transit through, anchor in, or remain within the security zone without authorization from the COTP Charleston or a designated representative, they may operate in the surrounding area during the enforcement period. Furthermore, the rule will allow vessels to seek permission to enter the zone. Persons and vessels may still enter, transit through, anchor in, or remain within the security zone during the enforcement period if authorized by the Captain of the Port Charleston or a designated representative. The Coast Guard will provide advance notification of the security zone via a Broadcast Notice to Mariners, allowing mariners to make alternative plans or seek permission to transit the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on

small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please 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 temporary security zone enforced continuously for a period of 8 days, unless canceled earlier by the COTP, which will prohibit entry to a portion of the Atlantic Ocean adjacent to Kiawah Island, South Carolina. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0675 to read as follows:

§ 165.T07–0675 Security Zone; Kiawah Island, SC.

(a) *Location.* The following area is a security zone: All waters of the Atlantic Ocean extending 1 mile seaward from the shoreline, into the Atlantic Ocean beginning at 32°36′15.9″ N, 080°3′53.3″ W, proceeding easterly along the shoreline to 32°36′26.6″ N, 080°2′51.9″ W. These coordinates are based on the 1984 World Geodetic System (WGS 84).

(b) *Definitions.* The term “designated representative” means Coast Guard Patrol Commanders, including coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) in the enforcement of the security zone.

(c) *Regulations.* (1) No person or vessel will be permitted to enter, transit, anchor, or remain within the security zone described in paragraph (a) of this section unless authorized by the COTP Miami or a designated representative. If authorization is granted, persons and/or vessels receiving such authorization must comply with the instructions of the COTP Miami or designated representative.

(2) Persons who must notify or request authorization from the COTP Charleston may do so by Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(d) *Enforcement period.* This rule will be enforced from 3 p.m. on August 10, 2022, through 6 p.m. on August 17, 2022. If the COTP no longer sees a need to enforce the security zone, the COPT will issue a general permission to enter via a Broadcast Notice to Mariners to indicate that the zone will no longer be subject to enforcement.

Dated: August 09, 2022.

J.D. Cole,
Captain, U.S. Coast Guard, Captain of the
Port Charleston.

[FR Doc. 2022-17402 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2022-0668]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of
regulation.

SUMMARY: The Coast Guard will enforce the Delaware River, Philadelphia, PA; Safety Zone from 7:45 p.m. through 8:45 p.m. on September 18, 2022, to provide for the safety of life on navigable waterways during the Mexican Independence Day fireworks display. Our regulation for fireworks displays in the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation 33 CFR 165.506 will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 7:45 p.m. through 8:45 p.m. on September 18, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: (215) 271-4814, Email: SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 for the Mexican Independence Day fireworks display from 7:45 p.m. through 8:45 p.m. on September 18, 2022. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks display. Our regulation for safety zones of fireworks displays in the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated

area as all waters of Delaware River, adjacent to Penn's Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the fireworks barge is latitude 39°56'50" N, longitude 075°08'18" W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: August 9, 2022.

Jonathan D. Theel,
Captain, U.S. Coast Guard, Captain of the
Port Delaware Bay.

[FR Doc. 2022-17461 Filed 8-12-22; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-R09-OAR-2021-0869; FRL-9503-02-
R9]

Maintenance Plan and Redesignation Request; Nogales PM_{2.5} Planning Area; Arizona

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the "FINAL SIP Revision: Nogales PM_{2.5} Maintenance Plan and Redesignation Request (2006 Fine Particulate NAAQS)" ("Nogales Maintenance Plan" or "Plan") as a revision to the state implementation plan (SIP) for the State of Arizona. The Nogales Maintenance Plan includes, among other elements, an emissions inventory consistent with attainment, a maintenance demonstration, contingency provisions, and a motor vehicle emissions budget for the ten-year maintenance period. The EPA is also approving the State of Arizona's request to redesignate the Nogales planning area ("Nogales area") from nonattainment to attainment for the 2006 24-hour national ambient air quality standards (NAAQS) for particulate matter of 2.5 micrometers or less (PM_{2.5}). The EPA is finalizing these actions because this SIP revision meets the applicable Clean Air Act (CAA or "Act") requirements for maintenance

plans and because the State has met the requirements under the Act for redesignation of a nonattainment area to attainment with respect to the Nogales area.

DATES: This rule is effective September 14, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-EPA-R09-OAR-2021-0869. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Lindsay Wickersham, Air Planning Office (AIR-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, 415-947-4192, or by email at wickersham.lindsay@epa.gov.

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

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I. Summary of the EPA's Proposed Action

On March 2, 2022, under CAA section 110(k)(3), the EPA proposed to approve the Nogales Maintenance Plan submitted by the Arizona Department of Environmental Quality (ADEQ) on April 13, 2021, as a revision to the Arizona SIP.¹ In so doing, we proposed to find that the Nogales Maintenance Plan adequately demonstrates that the area will maintain the 2006 PM_{2.5} NAAQS for 10 years beyond redesignation and includes sufficient contingency provisions to promptly correct any violation of the PM_{2.5} NAAQS that occurs after redesignation, and thereby

¹ 87 FR 11664. See also letter dated April 7, 2021, from Daniel Czecholinski, Director, Air Quality Division, Arizona Department of Environmental Quality, to Deborah Jordan, Acting Regional Administrator, EPA Region IX. Subsequently, Arizona made an electronic submittal of the Nogales Maintenance Plan on April 13, 2021, via the EPA's State Plan Electronic Collection System.

meets the requirements for maintenance plans under CAA section 175A. We also proposed to find the Nogales area motor vehicle emissions budgets (“budgets”) for PM_{2.5} and nitrogen oxides (NO_x) for 2032 adequate and approve the budgets for transportation conformity purposes. The motor vehicle emissions budgets that the EPA proposed to find adequate and approve are winter daily budgets of 637.0 tons per day (tpd) PM_{2.5} and 513.0 tpd NO_x and annual budgets of 116.2 tons per year (tpy) PM_{2.5} and 93.7 tpy NO_x.²

In our proposed rule, under CAA section 107(d)(3)(D), we also proposed to grant ADEQ’s request to redesignate the Nogales area from “nonattainment” to “attainment” for the 2006 PM_{2.5} NAAQS. We proposed to do so based on our conclusion that the Nogales area has attained the 2006 PM_{2.5} NAAQS based on the following: the most recent three-year period (2018–2020) of quality-assured, certified, and complete PM_{2.5} data;³ the relevant portions of the Arizona SIP are, or will be as part of this action, fully approved; the improvement in air quality is due to permanent and enforceable emissions reductions; Arizona has met all requirements applicable to the Nogales area with respect to section 110 and part D of the CAA if we finalize our approval of the attainment inventory in the Nogales Maintenance Plan; based on our proposed approval as described above, the Nogales Maintenance Plan meets the requirements for maintenance plans under section 175A of the CAA and therefore, Arizona has met the criteria for redesignation under CAA section 107(d)(3)(E) for the Nogales PM_{2.5} area.

Please see our proposed rule for a detailed discussion of the background for this action, our procedural and substantive review of the Nogales Maintenance Plan and associated budgets, and the rationale for our proposed approval of the Nogales Maintenance Plan and for granting ADEQ’s request for redesignation of the Nogales area to attainment.

II. Public Comments

Our March 2, 2022 proposed rule provided a 30-day public comment period that closed on April 1, 2022. During this comment period we received no comments on our proposal.

² Consultation with the Arizona Department of Transportation and ADEQ indicate that the State prefers EPA action on only the annual budgets.

³ The Nogales 24-hour design value for 2021 remained in attainment at 29 micrograms per cubic meter; EPA, 2021 AQS Design Value Report (AMP480) dated June 7, 2022; also available at EPA, PM_{2.5} Design Values, 2021, <https://www.epa.gov/air-trends/air-quality-design-values>.

III. Environmental Justice Considerations

As discussed in the proposed rule, to identify environmental burdens and susceptible populations in underserved communities in the Nogales area, we performed a screening-level analysis using the EPA’s environmental justice (EJ) screening and mapping tool (“EJSCREEN”). Our screening-level analysis included multiple environmental and demographic indicators, including the EJSCREEN “Demographic Index,” which is the average of an area’s percentage of minority and low-income populations. The Demographic Index for the Nogales area is at the 95th percentile, compared to the United States as a whole.⁴

When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either nonattainment, attainment, or unclassifiable. If an area is designated nonattainment of the NAAQS, the CAA provides for the EPA to redesignate the area to attainment upon a demonstration by the state authority that the criteria for a redesignation are met, including a showing that the area is currently attaining the NAAQS and will maintain the NAAQS for 10 years beyond redesignation in order to ensure that all those residing, working, attending school, or otherwise present in those areas are protected. This action addresses a plan for continued attainment of the 2006 PM_{2.5} NAAQS for the Nogales area. Approval of this plan does not impose any additional regulatory requirements on sources beyond those imposed by state law. As discussed in this document, Arizona has demonstrated that the Nogales area is attaining the 2006 PM_{2.5} NAAQS and the Nogales Maintenance Plan provides for the maintenance of the NAAQS for 10 years beyond redesignation. For these reasons, this action will not result in disproportionately adverse human health or environmental effects on communities with environmental justice concerns.

IV. Final Action

Under CAA section 110(k)(3), and for the reasons set forth in our March 2, 2022 proposed rule, the EPA is taking final action to approve the Nogales Maintenance Plan as a revision to the Arizona SIP. The EPA finds that the maintenance demonstration showing the area will continue to attain the 2006 PM_{2.5} NAAQS for 10 years beyond redesignation, and the contingency provisions describing the actions that

⁴ Nogales 2006 PM fine Nonattainment Area EJSCREEN Results, dated January 18, 2022.

ADEQ will take in the event of a future monitored violation, meet all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. The EPA is also finding the 2032 annual motor vehicle emission budgets of 116.2 tpy PM_{2.5} and 93.7 tpy NO_x adequate and approving these budgets for transportation conformity purposes because we find they meet all applicable criteria for such budgets including the adequacy criteria under 40 CFR 93.118(e).⁵

Under CAA section 107(d)(3)(D), we are also taking final action to grant ADEQ’s request, which accompanied the submittal of the Nogales Maintenance Plan, to redesignate the Nogales area to attainment for the 24-hour PM_{2.5} NAAQS. We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E). Our conclusion in this regard is in turn based on our determination of the following: the area has attained the 24-hour PM_{2.5} NAAQS; relevant portions of the Arizona SIP are, or will be as part of this action, fully approved; the improvement in air quality is due to permanent and enforceable reductions in emissions; Arizona has met all requirements applicable to the Nogales area with respect to section 110 and part D of the CAA upon final approval of the attainment inventory in the Nogales Maintenance Plan; and our approval (as part of this action) of the Nogales Maintenance Plan.

V. Statutory and Executive Order Reviews

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under

⁵ The EPA also proposed to find adequate and approve winter daily budgets of 637.0 tpd PM_{2.5} and 513.0 tpd NO_x. Following consultation with the Arizona Department of Transportation and ADEQ, we are just finalizing approval of the annual budgets, consistent with the form of the approved budgets for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers (PM₁₀) in the Nogales area. See 77 FR 58962, 58964, Table 1.

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
 - Will not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994), as discussed in Section IV of this proposal.
- In addition, there are no areas of Indian country within the Nogales area, and the state plan for which the EPA is finalizing approval does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian

country, this final action does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of NAAQS in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 14, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 4, 2022.

Martha Guzman Aceves,
Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

- 2. In § 52.120, in paragraph (e), table 1 is amended, under the table heading “Part D Elements and Plans (Other than for the Metropolitan Phoenix or Tucson Areas),” by adding an entry for “FINAL SIP Revision: Nogales PM_{2.5} Redesignation Request and Maintenance Plan (April 13, 2021)” after the entry for “Arizona State Implementation Plan Revision for the Nogales PM_{2.5} Nonattainment Area (September 2013), including appendices A and B” to read as follows.

§ 52.120 Identification of plan.

* * * * *
(e) * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES
[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively]¹

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Part D Elements and Plans (Other than for the Metropolitan Phoenix or Tucson Areas)				
FINAL SIP Revision: Nogales PM _{2.5} Maintenance Plan and Redesignation Request (2006 Fine Particulate NAAQS).	Nogales PM _{2.5} . Air Quality Planning Area.	April 13, 2021	August 15, 2022, [Insert Federal Register citation].	Adopted by the Arizona Department of Environmental Quality and submitted to the EPA as an attachment to letter dated April 7, 2021.

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES—Continued
 [Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively]¹

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
* * * * *				
PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES	Authority: 42 U.S.C 7401 <i>et seq.</i>			Nogales: Santa Cruz County (part) for “Nogales planning area” to read as follows:
■ 3. The authority citation for part 81 continues to read as follows:	Subpart C—Section 107 Attainment Status Designations			§ 81.303 Arizona.
	■ 4. Section 81.303 is amended by revising the table “Arizona—2006 24-Hour PM _{2.5} NAAQS,” the entry under			* * * * *
	ARIZONA—2006 24-HOUR PM_{2.5} NAAQS [Primary and Secondary]			

Designated area	Designation ^a		Classification	
	Date ¹	Type	Date ²	Type
Nogales: Santa Cruz County (part) Nogales Planning area bound as follows: The portions of the following Townships which are within the State of Arizona and lie east of 111 longitude: T23S, R13E, T23S, R14E; T24S, R14E, T24S, R14E.	September 14, 2022	..... Attainment.		
* * * * *				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is 30 days after November 13, 2009, unless otherwise noted.
² This date is July 2, 2014, unless otherwise noted

* * * * *
 [FR Doc. 2022–17189 Filed 8–12–22; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Community Living
45 CFR Part 1330
RIN 0985–AA16
National Institute on Disability, Independent Living, and Rehabilitation Research
AGENCY: Administration for Community Living, Department of Health and Human Services.
ACTION: Final rule.
SUMMARY: The Administration for Community Living (ACL) within the Department of Health and Human Services (HHS or the Department) is amending its regulations for the National Institute on Disability,

Independent Living and Rehabilitation Research (NIDILRR). These minor amendments to NIDILRR’s peer review criteria allow NIDILRR to better evaluate the extent to which our grant applicants conduct outreach to people with disabilities and people from other groups that traditionally have been underserved and underrepresented, as described in Executive Order 13985, and emphasize the need for research and development activities that apply appropriate engineering knowledge and techniques within NIDILRR’s Rehabilitation Engineering Research Centers (RERC) program.
DATES: These final regulations are effective September 14, 2022.
FOR FURTHER INFORMATION CONTACT: Phillip Beatty, Director, NIDILRR Office of Research Sciences, Administration for Community Living, Department of Health and Human Services, 330 C Street SW, Washington, DC 20201. Email: *phillip.beatty@acl.hhs.gov*, Telephone: (202) 795–7305.
SUPPLEMENTARY INFORMATION:

I. Statutory Authority
 ACL publishes this final rule under the authority granted to the Director of the National Institute on Disability, Independent Living, and Rehabilitation Research (the Director), under 29 U.S.C. 762(f) to provide for scientific peer review of all applications for financial assistance for research, training, and demonstrations projects over which the Director has authority; and under 29 U.S.C. 764(b)(3) to establish and support Rehabilitation Engineering Research Centers (RERCs).

II. Background
 The HHS regulation for NIDILRR programs was developed and finalized in 2016 following the transfer of NIDILRR to ACL and HHS from the Department of Education, as required by the Workforce Innovation and Opportunity Act (WIOA) of 2014. NIDILRR’s mission is to generate new knowledge and to promote its effective use to improve the abilities of individuals with disabilities to perform

activities of their choice in the community as well as to expand society's capacity to provide full opportunities and accommodations for individuals with disabilities. As the primary research enterprise within ACL, NIDILRR's mission is highly complementary to the overarching mission of ACL to maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers. NIDILRR programs address a wide range of disabilities and impairments across all age groups and promote health and function, community living and participation, and employment. To accomplish these goals, NIDILRR invests in research, knowledge translation, and capacity-building activities through its discretionary grant-funding authorities.

This final rule provides minor but important updates to the NIDILRR rule at 45 CFR part 1330.

III. Provisions of the Proposed Regulations

The first update to 45 CFR part 1330 is directly responsive to Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 FR 7009 (Jan. 20, 2021) (E.O.). The purpose of the update is to enable NIDILRR to better evaluate, through the peer review of grant applications, the extent to which grant applicants conduct outreach to people who are members of specific groups that have traditionally been underserved and underrepresented in research. See 86 FR 7009 ("The term 'underserved communities' refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of 'equity.'"). The E.O. defines "equity" as "consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality." *Id.* Applicant refers to organizations such as universities or other organizations that apply for

NIDILRR grants. NIDILRR's current regulation regarding applicants' proposed "Project Staff" (45 CFR 1330.24(n)) combines a significant number of underrepresented groups into one list ("... based on race, color, national origin, gender, age, or disability"), and asks reviewers to broadly evaluate the extent to which the grant applicant encourages applications for employment from people who are members of those groups in the list. This format does not allow reviewers to evaluate applicants' outreach and hiring practices for people with disabilities, or for other underserved and underrepresented populations highlighted in the list, as distinct groups.

To better promote applicants' hiring of people with disabilities, and people from other underserved communities—we proposed to revise 45 CFR 1330.24(n) to disaggregate these populations into two distinct peer review subcriteria. Disaggregation of people with disabilities and people from other underserved communities into separate subcriteria allows peer reviewers to more directly evaluate and score the extent to which grant applicants encourage applications for employment from people in each of these distinct groups. ACL also proposes a conforming amendment to 45 CFR 1330.23(b) reflecting this revision to the selection criteria. As a result of these changes, applicants will be required to describe their outreach practices with respect to people with disabilities and other specific groups, separately and distinctly. ACL intends for grant applicants to provide quantitative and/or qualitative information regarding these disaggregated groups in the narrative of their proposal, and for peer reviewers to accordingly use this information to evaluate and score each individual application.

The second update to 45 CFR part 1330 is intended to better emphasize the need for engineering research and development (R&D) activities in NIDILRR's RERC program funding opportunities. The update would add sub-criteria under both the "Design of Research Activities" (45 CFR 1330.24(c)) and "Design of Development Activities" (45 CFR 1330.24(d)) to allow reviewers to evaluate the extent to which applicants are proposing engineering knowledge and methods that are appropriate to the research questions and development aims described in their RERC applications. The absence of such engineering-focused criteria have led to some RERC grants that are not optimally using engineering R&D methods as envisioned

in the statutory language that authorizes and names the RERC program. See 29 U.S.C. 764(b)(3).

IV. Analysis of Responses to Public Comments

We received fourteen public comments from six individuals, five stakeholder associations, and three university departments. We have reviewed all of the public comments received and considered the concerns raised by all stakeholders. As a result, we have made revisions to the proposed regulations at 45 CFR 1330.24. Specifically, we have modified 45 CFR 1330.24(c), (d), and (n). See Section IV "Provisions of the Final Regulations" for detailed description of these changes. A summary of the comments received and our responses to those comments appear in the paragraphs below.

Comment: Five parties provided comments that were fully supportive of the proposed revisions to NIDILRR's menu of peer review criteria. Two of these parties particularly appreciated NIDILRR's continued inclusion of people who are underrepresented in research professions based on age.

Response: We thank these commenters for their support.

Comment: One commenter suggested that the evaluation of the extent to which applicant organizations encourage applications from and hire people with disabilities and people from other underrepresented communities is "more appropriately evaluated by the government", than by the peer review process. The commenter suggests that instead of evaluating these factors as part of the peer review process, ACL and NIDILRR should use documented histories of applicant compliance or noncompliance with the Americans with Disabilities Act and other civil rights laws and regulations, as a determinant of eligibility for Federal funding.

Response: NIDILRR and other ACL and HHS grant opportunities have strong non-discrimination requirements for applicants, and NIDILRR grants are issued with detailed Terms and Conditions related to compliance with government-wide non-discrimination laws and regulations, including the Americans with Disabilities Act, and the Rehabilitation Act. ACL and NIDILRR will maintain these important compliance requirements and continue to evolve and implement policies that promote accessibility as a requirement for Federal funding. However, compliance with broad non-discrimination laws is not the same as purposefully encouraging applications

for employment from people with disabilities and people from other underrepresented and underserved communities. NIDILRR and the field of disability research has a strong and direct interest in, and will benefit significantly from, growth in the representation of people with disabilities and investigators from underserved communities. This interest is reflected in our long-standing peer review sub-criterion about the extent to which grant applicants encourage applications for employment from people with disabilities and people from other underrepresented and underserved communities. By disaggregating this sub-criterion, consistent with Executive Order 13985, we aim to evaluate the extent to which applicant organizations are encouraging applications for employment from people with disabilities and people from other underrepresented and underserved communities.

Comment: One commenter noted that NIDILRR's proposed disaggregated Project Staff subcriteria will appropriately promote consideration of the extent to which applicant organizations recruit people with disabilities. This commenter suggested that NIDILRR provide further specificity in the disability sub-criterion, in a way that would further value the recruitment of people with disabilities who have the greatest support needs. The commenter suggested that NIDILRR provide a scoring rubric for this disability sub-criterion, which would potentially provide more points for applicant organizations that demonstrate efforts to recruit and hire people with disabilities who have the greatest support needs.

Response: NIDILRR agrees with the commenter that people with disabilities vary in their level of disability and support needs. NIDILRR's programs are authorized by the Rehabilitation Act of 1973, as amended. The Rehabilitation Act consistently emphasizes that the programs that it authorizes, including NIDILRR, must benefit people with disabilities—especially people with the most significant disabilities (29 U.S.C. 764(a)(1)). To reflect this foundational emphasis in our authorizing statute, NIDILRR is modifying the proposed sub-criterion to state that people with disabilities may include, but are not limited to, people with disabilities who have the greatest support needs.

While NIDILRR does not provide scoring rubrics with its scoring criteria and subcriteria in 45 CFR 1330(n), by including this clarification in the sub-criterion we specifically allow grant applicants to describe, and reviewers to evaluate the extent to which applicant

organizations encourage applications from people with disabilities who have the greatest support needs.

Comment: One commenter noted concern that grant applicant organizations may be evaluated not just on their commitment to increasing representation of people with disabilities or people from other underrepresented communities in their organizations, but on the data that they can provide as evidence of recruitment and hiring. The commenter noted that individual researchers may not be able to influence their organizations' recruitment and hiring practices, and therefore may be penalized because of the practices of their organizations.

Response: ACL, NIDILRR, and most other Federal grants are made to organizations, and not directly to individual researchers. As such, our criteria purposefully address the plans, actions, and resources of applicant organizations, and not of individual investigators. The commenter is correct that NIDILRR aims to evaluate not just the applicant organization's commitment to recruitment of people with disabilities or people from other underrepresented communities, but the actions they have taken to encourage applications for employment from people with disabilities and people from other underrepresented groups. It is up to applicant organizations to determine how they will address this sub-criterion, and they may provide qualitative or quantitative data in doing so.

Comment: Three commenters noted that it will be difficult for an applicant to provide evidence of hiring people with disabilities or people from underrepresented communities. One of these commenters noted that organizations' collection of this information from their employees is typically voluntary, and therefore likely unreliable. Two of these commenters cautioned that the revised subcriteria may place pressure on researchers and their teams to disclose disabilities or to disclose demographic characteristics that they wish to remain private. Two of the commenters suggested that NIDILRR provide clarification to peer reviewers on ways to address these subcriteria while recognizing applicant institutions' policies that do not require disclosure of disability or other demographic characteristics.

Response: Based upon these comments, our final rule will not include language that focuses on applicants' hiring practices. The final rule will, as proposed, disaggregate people with disabilities from other underserved populations in 45 CFR 1330(n), and will continue to focus on

the extent to which applicants encourage applications for employment from people with disabilities and other underrepresented groups.

ACL intends for grant applicants to respond to our disaggregated subcriteria with qualitative or quantitative information, or both, in the narrative of their proposal. Peer reviewers will use this information to evaluate and score each individual application. As revised for this final rule, nothing in the proposed subcriteria language compels applicants to provide quantitative data that would require applicants or their potential employees to disclose disability or other individual characteristics.

NIDILRR intentionally does not further interpret these review criteria that come from our program regulations or provide guidance to applicants or reviewers on the application of any of the criteria. We rely on individual reviewers to consistently apply these and other criteria for each of the grant applications they are reviewing. This approach to peer review, which is commonly used and accepted within the scientific community, allows reviewers with different perspectives and areas of expertise to participate meaningfully in the peer review process.

Comment: Five commenters supported the addition of proposed engineering specifications to the research and development subcriteria. These commenters, however, suggested that ACL and NIDILRR further specify and define engineering as part of the subcriteria, and offered a variety of suggestions for further definition.

Response: NIDILRR has considered this feedback, in the context of the "Design of Research Activities" and "Design of Development Activities" subcriteria that our proposed additions would fit within, under 45 CFR 1330.24(c) and 45 CFR 1330.24(d). Within those subcriteria, there are many terms that NIDILRR could define in much greater detail, but purposefully does not. For instance, under "Design of Research Activities," there is a sub-criterion about the extent to which the data analysis methods are appropriate. Instead of further delineating the wide variety of data analysis methods that could be proposed by applicants and evaluated by reviewers, we leave the application of this broad sub-criterion to the applicants and reviewers. The evaluation of the broad sub-criterion about the appropriateness of data analysis methods is only possible within the context of the grant application for which it is being evaluated. For some applications, it is

appropriate for applicants to propose qualitative analysis of in-depth interview data. For other applications, it is appropriate for applicants to propose statistical analysis of highly quantitative data—depending on the applicant's aims and research questions. We do not define each of the innumerable potential data analysis methods that applicants could propose.

The same logic and approach apply under our proposed subcriteria related to engineering. As noted by the commenters, there are a wide range of engineering specialties and approaches that we could further define, including but not limited to biomedical engineering, electrical engineering, mechanical engineering, and software development and computer science. NIDILRR's intent, however, is for reviewers to evaluate the extent to which RERC applicants are applying engineering knowledge and techniques that are appropriate to address the aims and objectives of the proposed RERC grant.

To better reflect this specific intent, NIDILRR is modifying our two proposed subcriteria by adding "appropriate" prior to the word engineering.

Comment: NIDILRR received a number of comments that were not directly related to the proposed rule. These comments focused on topics including NIDILRR's peer review processes and policies, the availability of researchers with disabilities in the labor market, funding for accommodations used by employees with disabilities, and the importance of research on the needs, experiences, and outcomes of people with communication disabilities.

Response: All of these are important topics, and we look forward to engaging with NIDILRR stakeholders on these topics.

V. Provisions of the Final Regulations

In this final rule, we are adopting the provisions in the January 10 proposed rule, with the following changes:

- Revised proposed 45 CFR 1330.24(c)(5) to add "appropriate" prior to the word engineering.
- Revised proposed 45 CFR 1330.24(d)(4) to add "appropriate" prior to the word engineering.
- Revised proposed 45 CFR 1330.24(n)(1) to specify that people with disabilities may include, but are not limited to, people with disabilities who have the greatest support needs.
- Revised proposed 45 CFR 1330.24(n)(1) to delete "and hires."
- Revised proposed 45 CFR 1330.24(n)(2) to delete "and hires."

- Revised proposed 45 CFR 1330.24(n)(2) to add "other."

VI. Required Regulatory Analyses

A. Executive Orders 12866 and 13563

E.O. 12866, "Regulatory Planning and Review," and E.O. 13563, "Improving Regulation and Regulatory Review," direct agencies to assess all costs and benefits of available regulatory alternatives and, if the regulation is necessary, to select regulatory approaches that maximize net benefits.

OMB determined that the rulemaking was not an economically significant regulatory action under these E.O.s. The preambles to this rule maintained that it primarily described procedural changes that would require Department expenditures to implement.

B. Regulatory Flexibility Act

The Department has examined the economic implications of this final rule as required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* The RFA requires an agency to describe the impact of a final rulemaking on small entities by providing an initial regulatory flexibility analysis, unless the agency determines that the final rule will not have a significant economic impact on a substantial number of small entities, provides a factual basis for this determination, and certifies the statement. 5 U.S.C. 603(a) and 605(b). The Department considers a proposed or final rule to have a significant economic impact on a substantial number of small entities if it has at least a three percent impact on revenue of at least five percent of small entities. The Department has determined, and the Secretary certifies, that this final rule would not have a significant economic impact on the operations of a substantial number of small entities.

C. Executive Order 13132 (Federalism)

E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999) establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on state and local governments or has federalism implications. The Department has determined that this final rule would not impose such costs or have any federalism implications.

D. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

HHS has analyzed this final rule in accordance with the principles set forth in E.O. 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000). HHS has determined that the

final rule does not contain policies that would have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. In accordance with the Department's Tribal consultation policy, the Department solicited comments from tribal officials on any potential impact on Indian Tribes prior to promulgating this final rule.

E. National Environmental Policy Act

HHS had determined that this final rule would not have a significant impact on the environment.

F. Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, 44 U.S.C. 3501–3521; 5 CFR part 1320, appendix A.1, the Department has reviewed this final rule and has determined that it does not establish new collections of information.

Alison Barkoff, Acting Administrator Administration for Community Living approved this document on July 13, 2022.

List of Subjects in 45 CFR Part 1330

Disability, Grant programs, Research.

Accordingly, ACL amends 45 CFR part 1330 as follows:

PART 1330—NATIONAL INSTITUTE FOR DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH

- 1. The authority citation for part 1330 continues to read as follows:

Authority: 29 U.S.C. 709, 3343.

- 2. Amend § 1330.23 by revising paragraph (b) to read as follows:

§ 1330.23 Evaluation process.

* * * * *

(b) In considering selection criteria in § 1330.24, the Director selects one or more of the factors listed in the criteria, but always considers the factors in § 1330.24(n) regarding people with disabilities, and members of groups that have traditionally been underrepresented based on race, ethnicity, national origin, sex (including sexual orientation and gender identity), or age.

* * * * *

- 3. Amend § 1330.24 by adding paragraphs (c)(5) and (d)(4) and revising paragraph (n) to read as follows:

§ 1330.24 Selection criteria.

* * * * *

(c) * * *

(5) The extent to which research activities use appropriate engineering knowledge and techniques to collect, analyze, or synthesize research data.

(d) * * *

(4) The extent to which development activities apply appropriate engineering knowledge and techniques to achieve development objectives.

* * * * *

(n) *Project staff.* In determining the quality of the applicant's project staff, the Director considers one or more of the following factors:

(1) The extent to which the applicant encourages applications for employment from people with disabilities, who may

include but are not limited to people with disabilities who have the greatest support needs.

(2) The extent to which the applicant encourages applications for employment from people who are members of other groups that have traditionally been underrepresented in research professions based on race, ethnicity, national origin, sex (including sexual orientation and gender identity), or age.

(3) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities.

(4) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project.

(5) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas.

(6) The extent to which the project staff includes outstanding scientists in the field.

(7) The extent to which key personnel have up-to-date knowledge from research or effective practice in the subject area covered in the priority.

* * * * *

Dated: August 9, 2022.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2022-17422 Filed 8-12-22; 8:45 am]

BILLING CODE 4154-01-P

Proposed Rules

Federal Register

Vol. 87, No. 156

Monday, August 15, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-0992; Project Identifier MCAI-2022-00173-R]

RIN 2120-AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 99-23-18, AD 2005-03-07, AD 2013-12-07, and AD 2014-04-07, which apply to certain Bell Helicopter Textron Canada (now Bell Textron Canada Limited) Model 407 helicopters. AD 99-23-18 requires revising the life limits for certain parts, replacing each part that has exceeded its life limit, and revising the Airworthiness Limitation Section (ALS) of the existing maintenance manual. AD 2005-03-07 requires establishing a maximum accumulated Retirement Index Number (RIN) count for certain crosstube assemblies and revising the ALS of the existing maintenance manual. AD 2013-12-07 requires inspecting the tailboom assembly for a crack, loose rivet, or other damage and depending on the inspection results, replacing certain parts. AD 2014-04-07 requires preflight checking, repetitively inspecting for a crack in certain tailbooms, modifying and re-identifying certain tailbooms, installing an improved horizontal stabilizer assembly, and revising the ALS of the existing maintenance manual. Since the FAA issued those ADs, a report was received of a crack on the tailboom lower skin due to fatigue damage and new and more restrictive airworthiness limitations have been issued. This proposed AD would require

incorporating into existing maintenance records requirements (airworthiness limitations) as specified in the ALS service information. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 29, 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 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information that is identified in this NPRM, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1-450-437-2862 or 1-800-363-8023; fax 1-450-433-0272; email productsupport@bellflight.com; or at www.bellflight.com/support/contact-support. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

Examining the AD Docket

You may examine the AD docket at www.regulations.gov by searching for and locating Docket No. FAA-2022-0992; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2022-0992; Project Identifier MCAI-2022-00173-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 99–23–18, Amendment 39–11414 (64 FR 61784, November 15, 1999) (AD 99–23–18) for all Bell Helicopter Textron Canada (now Bell Textron Canada Limited) Model 407 helicopters. AD 99–23–18 was prompted by an engineering evaluation of additional flight test data, which resulted in redefining the service life for certain parts and revising the ALS of the existing maintenance manual AD 99–23–18 requires before further flight, revising the life limits for certain parts, and replacing each part that has exceeded its life limit with an airworthy part. AD 99–23–18 also requires revising the ALS of the existing maintenance manual to reflect these new life limits and annotating the component history card or equivalent record with the revised life limits.

The FAA issued AD 2005–03–07, Amendment 39–13963 (70 FR 7016, February 10, 2005) (AD 2005–03–07) for Bell Helicopter Textron Canada (now Bell Textron Canada Limited) Model 407 helicopters with landing gear crosstube assemblies, part number (P/N) 407–050–101–101 and –103; P/N 407–050–102–101 and –103; P/N 407–050–201–101 and –103; P/N 407–050–202–101 and –103; P/N 407–704–007–119; P/N 407–722–101; P/N 407–723–104; P/N 407–724–101; or P/N 407–725–104, installed. AD 2005–03–07 was prompted by fatigue testing, analysis, and evaluation by the manufacturer that determined that run-on landings impose a high stress on landing gear or crosstubes and may cause cracking in the area above the skid tube saddle. AD 2005–03–07 requires before further flight, establishing a component history card or equivalent record, converting accumulated run-on landings to an accumulated RIN count, and establishing a maximum accumulated RIN for certain crosstube assemblies. AD 2005–03–07 also requires replacing any crosstube assembly before it exceeds the maximum RIN life limit and revising the ALS of the existing maintenance manual to reflect this new life limit.

The FAA issued AD 2013–12–07, Amendment 39–17485 (78 FR 38546, June 27, 2013) (AD 2013–12–07) for Bell Helicopter Textron Canada (now Bell Textron Canada Limited) Model 407 helicopters with tailboom assembly P/N 407–030–801–201, 407–030–801–203, or 407–030–801–205, installed. AD 2013–12–07 was prompted by a stress analysis of the tailboom skin that revealed that high-stress-concentration areas are susceptible to skin cracking. AD 2013–12–07 requires for tailboom assemblies with 8,600 or more hours

time-in-service (TIS), or with an unknown number of hours TIS, before the first flight of each day, inspecting the tailboom assembly for a crack; or within 25 hours TIS, or 30 days, whichever comes first, and thereafter at intervals not to exceed 50 hours TIS, inspecting for a crack around each fastener and above the edge of the upper stabilizer support. AD 2013–12–07 also requires for certain tailboom assemblies with 6,900 or more hours TIS, within 25 hours TIS or 30 days, whichever occurs first, inspecting the tailboom assembly for a crack by using either a 10X or higher power magnifying glass and thereafter inspecting at intervals not to exceed 150 hours TIS; or by eddy current inspecting and thereafter inspecting at intervals not to exceed 500 hours TIS.

Additionally, AD 2013–12–07 requires, within 100 hours TIS or at the next tailboom inspection, whichever occurs first, and thereafter at intervals not to exceed 300 hours TIS, inspecting the tailboom assembly for a crack, loose rivet, or other damage. Depending on the inspection results, AD 2013–12–07 requires if there is a crack, before further flight replacing the tailboom assembly with an airworthy part.

The FAA issued AD 2014–04–07, Amendment 39–17766 (79 FR 35481, June 23, 2014) (AD 2014–04–07) for Bell Helicopter Textron Canada (now Bell Textron Canada Limited) Model 407 helicopters serial numbers (S/Ns) 53000 through 53475, with tailboom P/N 407–030–801–101, –105, or –107, or 407–530–014–101 or –103, installed. AD 2014–04–07 was prompted by additional reports of cracked tailboom skins. AD 2014–04–07 requires for certain part-numbered tailbooms that have not been modified, conducting daily preflight checks of the tailboom for a crack; and for tailbooms with 600 or more hours TIS, within 25 hours TIS, and thereafter at intervals not to exceed 50 hours TIS, visually inspecting the tailboom for a crack using a 10X or higher power magnifying glass, and within 600 hours TIS but not later than 30 days modifying and re-identifying certain part-numbered tailbooms, and installing an improved horizontal stabilizer assembly. AD 2014–04–07 also requires for certain part-numbered tailbooms, after the modification, before further flight, establishing a component history card or equivalent record, and revising the existing ALS of the maintenance manual to reflect a new life limit.

AD 2014–04–07 also requires, for certain part-number tailbooms, within 25 hours TIS or 30 days, whichever occurs first, daily visual inspections of

the tailboom for a crack, and within 100 hours TIS and thereafter at intervals not to exceed 100 hours TIS, using a 10X or higher power magnifying glass, inspecting each tailboom for a loose rivet, crack, skin corrosion, or any other damage. Depending on the inspection results, AD 2014–04–07 requires corrective actions, including, if there is a crack, replacing the tailboom assembly before further flight.

Actions Since AD 99–23–18, AD 2005–03–07, AD 2013–12–07, and AD 2014–04–07 Were Issued

Since the FAA issued AD 99–23–18, AD 2005–03–07, AD 2013–12–07, and AD 2014–04–07, Transport Canada, which is the aviation authority for Canada, issued AD CF–2021–34, dated October 22, 2021 (Transport Canada AD CF–2021–34), to correct an unsafe condition for Bell Textron Canada Limited Model 407 helicopters, S/N 53000 through 53900, 53911 through 54166, and 54300 and subsequent. Transport Canada advises of a report of a crack on the tailboom lower skin due to fatigue damage, which could affect the structural integrity of the tailboom. Transport Canada advises that Bell Textron Canada Limited issued a revision to the ALS, which adds a new inspection zone for tailboom assemblies to address the unsafe condition.

Accordingly, Transport Canada AD CF–2021–34 requires compliance with Bell BHT–407–MPI, Chapter 04, ALS, Issue 3, dated June 21, 2021, of Bell Model 407 Maintenance Planning Information, PMC–407–97499–01000–00, Issue No. 005, dated July 6, 2022 (BHT–407–MPI, ALS Issue 3), which includes maintenance tasks and life limits for the tailboom and other parts. The FAA is proposing this AD to prevent failure of a part, which could result in loss of control of the helicopter.

Additionally, although AD 99–23–18 and AD 2005–03–07 were prompted by unsafe conditions not related to the tailboom crack that prompted this proposed AD, the actions required to address the unsafe conditions in AD 99–23–18 and AD 2005–03–07 are included in BHT–407–MPI, ALS Issue 3. Therefore, the FAA is superseding AD 99–23–18, AD 2005–03–07, AD 2013–12–07, and AD 2014–04–07, in order to reduce the burden on operators by requiring compliance with a single AD in lieu of multiple FAA ADs.

AD 99–23–18 requires reducing the life limit for drive ring set P/N 406–010–126–107 from 49,000 RIN to 48,000 RIN, and replacing each part that has exceeded its life limit. BHT–407–MPI, ALS Issue 3 states the life limit for drive

ring set P/N 406-010-126-107 is 100,000 RIN.

AD 2005-03-07 requires establishing a maximum accumulated RIN for certain crosstube assemblies of 5,000 RIN and replacing any crosstube assembly before it exceeds the maximum accumulated RIN. BHT-407-MPI, ALS Issue 3 adds an additional life limit to certain part-numbered crosstube assemblies of 2,500 landings or 5,000 RIN.

AD 2013-12-07 requires for tailboom assemblies with P/N 407-030-801-201, 407-030-801-203, or 407-030-801-205 and with 8,600 or more hours TIS, or with an unknown number of hours TIS, inspecting the tailboom assembly for a crack within 25 hours TIS or 30 days, whichever comes first; and thereafter at intervals not to exceed 50 hours TIS, inspecting for a crack. AD 2013-12-07 also requires for tailboom assemblies with 6,900 or more hours TIS, inspecting the tailboom assembly for a crack within 25 hours TIS or 30 days, whichever comes first. Thereafter AD 2013-12-07 requires either inspecting using a 10X or higher power magnifying glass and thereafter repeating that inspection at intervals not to exceed 150 hours TIS or eddy current inspecting and thereafter repeating the eddy current inspection at intervals not to exceed 500 hours TIS. AD 2013-12-07 also requires within 100 hours TIS or at the next tailboom inspection, whichever comes first, and thereafter at intervals not to exceed 300 hours TIS, inspecting the tailboom assembly for a loose rivet, crack, or other damage.

BHT-407-MPI, ALS Issue 3 adds tailboom assembly P/N 407-530-013-105 and successive dash numbers, and also specifies for tailboom assembly P/N 407-530-013-105 and successive dash numbers and P/N 407-030-801-201 and successive dash numbers, inspecting for a crack every 300 hours; and for tailbooms that have accumulated 6,900 or more hours in service inspecting every 150 hours using a 10X magnifying glass inspection method, or eddy current inspecting every 500 hours; and for tailboom assemblies that have accumulated 8,600 or more hours in service, or with total time unknown, inspecting for a crack either with a daily visual inspection or with a 10X magnifying glass inspection method at intervals not to exceed 50 hours. Additionally, BHT-407-MPI, ALS Issue 3 specifies additional inspection zones, intervals, and criteria.

AD 2014-04-07 requires modifying and re-identifying tailboom P/N 407-030-801-101 as 407-530-014-101, and P/N 407-030-801-105 as P/N 407-530-014-103. AD 2014-04-07 also requires for tailboom P/N 407-530-014-101 and

-103, and P/N 407-030-801-107, establishing a retirement life of 5,000 hours TIS, and daily checks for a crack and recurring inspections using a 10X or higher power magnifying glass at intervals not to exceed 100 hours TIS for a loose rivet, a crack, skin corrosion, or other damage. BHT-407-MPI, ALS Issue 3 specifies for tailboom P/N 407-530-014-101 and successive dash numbers, and P/N 407-030-801-107 and successive dash numbers, daily and recurring inspections for a crack every 100 hours TIS. BHT-407-MPI, ALS Issue 3 also revises the inspection areas.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed BHT-407-MPI, ALS Issue 3, which specifies certain actions and associated thresholds and intervals, including life limits and maintenance tasks. These requirements (airworthiness limitations) include new inspection zones and new maintenance tasks (e.g., inspections for cracks) with new compliance times.

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

Proposed AD Requirements in This NPRM

This proposed AD would supersede AD 99-23-18, AD 2005-03-07, AD 2013-12-07, and AD 2014-04-07, and would require incorporating into existing maintenance records requirements (airworthiness limitations), which are identified in BHT-407-MPI, ALS Issue 3, as described previously.

ADs Mandating Airworthiness Limitations

The FAA has previously mandated airworthiness limitations by mandating each airworthiness limitation task (e.g., inspections and replacements (life limits)) as an AD requirement or issuing ADs that require revising the ALS of the

existing maintenance manual or instructions for continued airworthiness to incorporate new or revised inspections and life limits. This proposed AD, however, would require operators to incorporate into maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your rotorcraft, the requirements (airworthiness limitations) identified in the ALS service information, as described previously. The FAA does not intend this as a substantive change. For these ADs, the ALS requirements for operators are the same but are complied with differently. Requiring the incorporation of the new ALS requirements into the existing maintenance records, rather than requiring individual ALS tasks (e.g., repetitive inspections and replacements), requires operators to record AD compliance once after updating the maintenance records, rather than after every time the ALS task is completed.

Differences Between This Proposed AD and Transport Canada AD CF-2021-34 or the Service Information

Transport Canada AD CF-2021-34 does not supersede any previously issued Transport Canada ADs, whereas this proposed AD would supersede FAA AD 99-23-18, AD 2005-03-07, AD 2013-12-07, and AD 2014-04-07. The airworthiness limitations specified in Transport Canada AD CF-2021-34 encompass the requirements of AD 99-23-18, AD 2005-03-07, AD 2013-12-07, and AD 2014-04-07.

Additionally, Transport Canada AD CF-2021-34 is applicable to certain serial-numbered Bell Textron Canada Limited Model 407 helicopters, whereas this proposed AD would be applicable to all serial-numbered Model 407 helicopters.

The service information specifies replacing each component before exceeding the applicable airworthiness life limit, accomplishing all applicable maintenance tasks within the defined thresholds and intervals, and performing the specified corrective action(s) if a defect is found during the inspection, whereas this proposed AD would require incorporating requirements (airworthiness limitations) into existing maintenance records within 30 days after the effective date of the AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 791 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA

estimates the following costs to comply with this proposed AD.

Incorporating requirements (airworthiness limitations) into existing maintenance records would take about 2 work-hours for an estimated cost of \$170 per helicopter and \$134,470 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 99–23–18, Amendment 39–11414 (64 FR 61784, November 15, 1999); Airworthiness Directive 2005–03–07, Amendment 39–13963 (70 FR 7016, February 10, 2005); Airworthiness Directive 2013–12–07, Amendment 39–17485 (78 FR 38546, June 27, 2013); and Airworthiness Directive 2014–04–07, Amendment 39–17766 (79 FR 35481, June 23, 2014); and

■ b. Adding the following new airworthiness directive:

Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited):
Docket No. FAA–2022–0992; Project Identifier MCAI–2022–00173–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 29, 2022.

(b) Affected ADs

This AD replaces the ADs specified in paragraphs (b)(1) through (4) of this AD.

(1) AD 99–23–18, Amendment 39–11414 (64 FR 61784, November 15, 1999).

(2) AD 2005–03–07, Amendment 39–13963 (70 FR 7016, February 10, 2005).

(3) AD 2013–12–07, Amendment 39–17485 (78 FR 38546, June 27, 2013).

(4) AD 2014–04–07, Amendment 39–17766 (79 FR 35481, June 23, 2014).

Note 1 to paragraph (b): The requirements of this AD capture the latest tasks and life limits required to prevent the unsafe conditions addressed by the ADs that are identified in paragraphs (b)(1) through (4) of this AD.

(c) Applicability

This AD applies to all Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 407 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 5300, Fuselage Structure.

(e) Unsafe Condition

This AD was prompted by a report of a crack on the tailboom lower skin due to fatigue damage and the issuance of new and more restrictive airworthiness limitations. The FAA is issuing this AD to prevent failure of a part, which could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Within 30 days after the effective date of this AD, incorporate into maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your helicopter, the requirements (airworthiness limitations) specified in Bell BHT–407–MPI, Chapter 04, Airworthiness Limitations Schedule, Issue 3, dated June 21, 2021, of Bell Model 407 Maintenance Planning Information, PMC–407–97499–01000–00, Issue No. 005, dated July 6, 2022.

(h) Provisions for Alternative Requirements (Airworthiness Limitations)

After the actions required by paragraph (g) of this AD have been done, no alternative requirements (airworthiness limitations) are allowed unless they are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided no passengers are onboard.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email andrea.jimenez@faa.gov.

(2) For service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email productsupport@bellflight.com; or at www.bellflight.com/support/contact-support. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in Transport Canada AD CF-2021-34, dated October 22, 2021. You may view the Transport Canada AD on the internet at www.regulations.gov in Docket No. FAA-2022-0992.

Issued on August 4, 2022.

Christina Underwood,

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

[FR Doc. 2022-17140 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-1052; Project Identifier MCAI-2022-00654-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350-941 airplanes. This proposed AD was prompted by a report that the path for the grounding wire of the engine fire shut off valve (FSOV) is routed through the wing trailing edge, which is not the shortest path available. This proposed AD would require modifying the wiring between the inboard fixed leading edge in the wing and in the forward cargo compartment on the left- and right-hand sides, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 29, 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 www.regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at www.regulations.gov by searching for and locating Docket No. FAA-2022-1052.

Examining the AD Docket

You may examine the AD docket at www.regulations.gov by searching for and locating Docket No. FAA-2022-1052; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2022-1052; Project Identifier MCAI-2022-00654-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to www.regulations.gov, including any personal information you provide. The agency will also post a report

summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022-0088, dated May 17, 2022 (EASA AD 2022-0088) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350-941 airplanes.

This proposed AD was prompted by a report that the path for the grounding wire of the engine FSOV is routed through the wing trailing edge, which is not the shortest path available. This proposed AD introduces a new engine FSOV grounding wire routed through the leading edge route, which will require formerly installed cables on the wing trailing edge to be disconnected at the equipment side. By introducing the new route that is the shortest available path, the engine FSOV grounding wire will have improved protection from an uncontained engine rotor failure. The FAA is proposing this AD to address an increased possibility of an engine FSOV unavailability in the event of an uncontained engine rotor failure, which could result in an uncontrolled engine fire. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0088 specifies procedures for modifying the wiring between the inboard fixed leading edge in the wing and in the forward cargo compartment on the left- and right-hand sides. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0088 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0088 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0088 in its entirety through that incorporation, except for any differences

identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0088 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0088. Service information required by EASA AD 2022–0088 for compliance will be available at www.regulations.gov by searching for and locating Docket No. FAA–2022–1052 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
33 work-hours × \$85 per hour = \$2,805	\$1,300	\$4,105	\$123,150

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2022–1052; Project Identifier MCAI–2022–00654–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 29, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–

0088, dated May 17, 2022 (EASA AD 2022–0088).

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power.

(e) Unsafe Condition

This AD was prompted by a report that the path for the grounding wire of the engine fire shut off valve (FSOV) is routed through the wing trailing edge, which is not the shortest path available. The FAA is issuing this AD to address an increased possibility of an engine FSOV unavailability in the event of an uncontained engine rotor failure, which could result in an uncontrolled engine fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0088.

(h) Exceptions to EASA AD 2022–0088

(1) Where EASA AD 2022–0088 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2022–0088 does not apply to this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS Model’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted

methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For EASA AD 2022–0088, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at www.regulations.gov by searching for and locating Docket No. FAA–2022–1052.

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

Issued on August 5, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–17159 Filed 8–12–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0932; Airspace Docket No. 21–AEA–22]

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend five area navigation (RNAV) routes (T–224, T–314, T–315, T–325, and Q–68), and establish two RNAV routes (T–303, and T–360). These routes would support the FAA VOR Minimum Operational Network (MON) program, and would expand the availability of RNAV routing in the National Airspace System (NAS).

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of

Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0932; Airspace Docket No. 21–AEA–22 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov. FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV routes in the NAS, increase airspace capacity, and reduce complexity in high air traffic volume areas.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers (FAA Docket No. FAA–2022–0932; Airspace Docket No. 21–

AEA-22 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-0932; Airspace Docket No. 21-AEA-22." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/. You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 CFR part 71 to amend five area navigation (RNAV) routes (T-224, T-314, T-315, T-325, and Q-68), and

establish two RNAV routes (T-303, and T-360).

T-224: Effective July 14, 2022, FAA amended T-224 to extend from the Palacios, TX (PSX), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC) to the COLIN, VA, Fix (87 FR 29222; May 13, 2022). This notice proposes to further extend T-224 from the COLIN, VA, Fix to the Boston, MA (BOS), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). The points from the Palacios VORTAC to the COLIN Fix would remain unchanged. After the COLIN Fix, the following points would be added to the route: SHLBK, MD, waypoint (WP); PRNCZ, MD, WP; Smyrna, DE (ENO), VORTAC; JIIMS, NJ, WP; Coyle, NJ (CYN), VORTAC; DIXIE, NJ, Fix; Kennedy, NY (JFK), VOR/DME; KEEP, NY, Fix; Calverton, NY (CCC), VOR/DME; YANCT, CT, WP; and Boston, MA (BOS), VOR/DME. In this description, the JIIMS WP is being used in place of the Cedar Lake, NJ (VCN), VOR/DME, and the YANCT, CT, WP is being used in place of the Norwich, CT (ORW), VOR/DME. T-224 would overlay portions of VOR Federal airway V-16 from the COLIN Fix to the Boston VOR/DME.

T-303: T-303 is a proposed new route that would extend from the IRAKE, NC, WP, to the Boston, MA (BOS), VOR/DME. It would overlay airway V-1 from the Cofield, NC (CVI), VORTAC to the Boston, MA (BOS), VOR/DME. In the T-303 description, the KOHLS, NC, WP would be used in place of the Cofield VORTAC. The OUTLA, VA, WP would be used in place of the Cape Charles, VA (CCV), VORTAC. The TRPOD, MD, WP would be used in place of the Salisbury, MD (SBY), VORTAC.

T-314: T-314 extends from the Barnes, MA (BAF), VORTAC to the Kennebunk, ME (ENE), VOR/DME. The FAA proposes to extend T-314 to overlay airway V-93 from the Kingston, NY (IGN), VOR/DME to the SASHA, MA, Fix; then overlay airway V-292 from the SASHA Fix to the Barnes VORTAC. The PAWL, NY, WP would be used in place of the Pawling, NY (PWL), VOR/DME. In addition, the following Fixes would be removed from the route description because they don't mark a turn point: PUDGY, MA; LAPEL, MA; JOHNZ, NH; RAYMY, NH; KHRIS, NH; and YUKES, ME. However, the points will remain part of the route structure and will continue to be depicted on the IFR En Route chart. As amended, T-314 would extend from the Kingston, NY (IGN), VOR/DME to the Kennebunk, ME (ENE), VOR/DME.

T-315: T-315 extends from the Hartford, CT (HFD), VOR/DME to the Burlington, VT (BVT), WOR/DME. This action proposes to extend T-315 south and west from Hartford, CT to the vicinity of Charleston, WV. The JARLO, WV, WP would be used in place of the Charleston, WV (HVQ), VOR/DME. T-315 would overlay airway V-260 from JARLO to Flat Rock, VA; V-16 from Flat Rock to the DIXIE, NJ, Fix; and V-229 from the DIXIE Fix to Hartford, CT. The SHANE, WV, WP would be used in place of the Rainelle, WV (RNL), VOR. The DBRAH, VA, WP would replace the Roanoke, VA (ROA), VOR/DME. The EEGOR, CT, WP would replace the Bridgeport, CT (BDR), VOR/DME. The following WPs would be removed from the description because they don't mark a turn point: DARTH, CT; WITNY, MA; SPENO, MA; JAMMA, VT; and MUDDI, VT. However, the points will remain part of the route structure and will continue to be depicted on the IFR En Route chart. As amended, T-315 would extend from the JARLO, WV, WP to the Burlington, VT (BTV), VOR/DME.

T-325: T-325 extends from the Bowling Green, KY (BWG), DME to the Oshkosh, WI (OSH), VORTAC. Due to the scheduled decommissioning of the Bowling Green, KY (BWG), DME this proposal would amend the route by replacing the Bowling Green DME with the RAMRD, KY, WP. In addition, the following points would be removed from the route description because they don't mark a turn point: LOONE, KY, WP; BUNKA, IN, Fix; and CAPPY, IL, WP. However, the points will remain part of the route structure and will continue to be depicted on the IFR En Route chart. As amended, T-325 would extend from the RAMRD, KY, WP to the Oshkosh, WI (OSH), VORTAC.

T-360: T-360 is a proposed new route that would extend from the SHANE, WV, WP to the WAVES, VA, WP. T-360 would overlay airway V-290 from the Rainelle, WV (RNL), VOR to the ARVON, VA, Fix (located 22 nautical miles southwest of the Gordonsville, VA (GVE), VORTAC). The SHANE WP would replace the Rainelle VOR.

Q-68: Q-68 is a high-altitude RNAV route that extends from the LITTR, AR, WP to the OTTTO, VA, WP. The FAA proposes to amend Q-68 by removing the Bowling Green, KY (BWG), DME from the route and replace it with the RAMRD, KY, WP. The following points would be removed from the description because they don't mark a turn point: SOPIE, TN, Fix; YOCKY, KY, Fix; SPAYD, WV, Fix; and HHOLZ, WV, Fix. However, the points will remain part of the route structure and will continue to be depicted on the IFR En Route chart.

The full descriptions of the above routes are listed in the proposed amendments to part 71 set forth below.

These changes would provide RNAV routing to supplement VOR Federal airways that will be impacted by the VOR MON program, and support the transition to a more efficient Performance Based Navigation route structure.

Low altitude United States Area Navigation routes are published in paragraph 6011, and high altitude United States Area Navigation Routes are published in paragraph 2006, respectively, of FAA Order 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It,

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-224 Palacios, TX (PSX) to Boston, MA (BOS) [Amended]

Palacios, TX (PSX)	VORTAC	(Lat. 28°45'51.93" N, long. 096°18'22.25" W)
MOLLR, TX	WP	(Lat. 29°39'20.23" N, long. 095°16'35.83" W)
SHWNN, TX	WP	(Lat. 29°56'45.94" N, long. 094°00'57.73" W)
WASPY, LA	FIX	(Lat. 30°01'33.88" N, long. 093°38'50.45" W)
KNZLY, LA	WP	(Lat. 30°08'29.48" N, long. 093°06'19.37" W)
DAFLY, LA	WP	(Lat. 30°11'37.70" N, long. 091°59'33.94" W)
KJAAY, LA	WP	(Lat. 30°05'15.06" N, long. 090°35'19.73" W)
SLIDD, LA	FIX	(Lat. 30°09'46.08" N, long. 089°44'02.18" W)
WTERS, MS	WP	(Lat. 30°24'24.36" N, long. 089°04'37.04" W)
LYNRD, AL	WP	(Lat. 30°43'33.26" N, long. 088°21'34.07" W)
AXEJA, AL	FIX	(Lat. 31°02'32.36" N, long. 087°57'01.58" W)
WILL, AL	WP	(Lat. 31°27'33.96" N, long. 087°21'08.62" W)
MGMRY, AL	WP	(Lat. 32°13'20.78" N, long. 086°19'11.24" W)
GONDR, AL	WP	(Lat. 32°22'01.98" N, long. 085°45'57.08" W)
RSVLT, GA	WP	(Lat. 32°36'55.43" N, long. 085°01'03.81" W)
SINCA, GA	FIX	(Lat. 33°04'52.28" N, long. 083°36'17.52" W)
UGAAA, GA	WP	(Lat. 33°56'51.32" N, long. 083°19'28.42" W)
ECITY, SC	WP	(Lat. 34°25'09.62" N, long. 082°47'04.58" W)
STYLZ, NC	WP	(Lat. 35°24'22.83" N, long. 082°16'07.01" W)
BONZE, NC	WP	(Lat. 35°52'09.16" N, long. 081°14'24.10" W)
MCDON, VA	WP	(Lat. 36°40'29.56" N, long. 079°00'52.03" W)
NUTTS, VA	FIX	(Lat. 37°04'34.16" N, long. 078°12'13.69" W)
WAVES, VA	WP	(Lat. 37°35'13.54" N, long. 077°26'52.03" W)
TAPPA, VA	FIX	(Lat. 37°58'12.66" N, long. 076°50'40.62" W)
COLIN, VA	FIX	(Lat. 38°05'59.23" N, long. 076°39'50.85" W)
SHLBK, MD	WP	(Lat. 38°20'16.21" N, long. 076°26'10.51" W)
PRNCZ, MD	WP	(Lat. 38°37'38.10" N, long. 076°05'08.20" W)
Smyrna, DE (ENO)	VORTAC	(Lat. 39°13'53.93" N, long. 075°30'57.49" W)
JIMS, NJ	WP	(Lat. 39°32'15.62" N, long. 074°58'01.72" W)
Coyle, NJ (CYN)	VORTAC	(Lat. 39°49'02.42" N, long. 074°25'53.85" W)
DIXIE, NJ	FIX	(Lat. 40°05'57.72" N, long. 074°09'52.17" W)
Kennedy, NY (JFK)	VOR/DME	(Lat. 40°37'58.40" N, long. 073°46'17.00" W)
KEEPM, NY	FIX	(Lat. 40°50'14.77" N, long. 073°32'42.58" W)
Calverton, NY (CCC)	VOR/DME	(Lat. 40°55'46.63" N, long. 072°47'55.89" W)
YANTC, CT	WP	(Lat. 41°33'22.81" N, long. 071°59'56.95" W)
Boston, MA (BOS)	VOR/DME	(Lat. 42°21'26.82" N, long. 070°59'22.37" W)

* * * * *

T-303 IRAKE, NC to Boston, MA (BOS) [New]

IRAKE, NC	WP	(Lat. 35°41'31.44" N, long. 077°20'25.44" W)
KOHL, NC	WP	(Lat. 36°22'17.76" N, long. 076°52'21.48" W)
Norfolk, VA (ORF)	VORTAC	(Lat. 36°53'30.86" N, long. 076°12'01.18" W)
OUTLA, VA	WP	(Lat. 37°20'45.48" N, long. 075°59'54.08" W)
JAMIE, VA	FIX	(Lat. 37°36'20.58" N, long. 075°57'48.81" W)
Waterloo, DE (ATR)	VOR/DME	(Lat. 38°48'35.32" N, long. 075°12'40.76" W)
LEEAH, NJ	FIX	(Lat. 39°15'39.27" N, long. 074°57'11.01" W)

DIXIE, NJ	FIX	(Lat. 40°05'57.72" N, long. 074°09'52.17" W)
Kennedy, NY (JFK)	VOR/DME	(Lat. 40°37'58.40" N, long. 073°46'17.00" W)
Deer Park, NY (DPK)	VOR/DME	(Lat. 40°47'30.30" N, long. 073°18'13.17" W)
Madison, CT (MAD)	VOR/DME	(Lat. 41°18'49.90" N, long. 072°41'31.93" W)
Hartford, CT (HFD)	VOR/DME	(Lat. 41°38'27.98" N, long. 072°32'50.70" W)
GRAYM, MA	FIX	(Lat. 42°06'04.27" N, long. 072°01'53.49" W)
GRIPE, MA	FIX	(Lat. 42°08'08.87" N, long. 071°54'32.47" W)
Boston, MA (BOS)	VOR/DME	(Lat. 42°21'26.82" N, long. 070°59'22.37" W)

* * * * *

T-314 Kingston, NY (IGN) to Kennebunk, ME (ENE) [Amended]

Kingston, NY (IGN)	VOR/DME	(Lat. 41°39'55.62" N, long. 073°49'20.01" W)
PAWLN, NY	WP	(Lat. 41°46'11.51" N, long. 073°36'02.64" W)
SASHA, MA	FIX	(Lat. 42°07'58.70" N, long. 073°08'55.39" W)
Barnes, MA (BAF)	VORTAC	(Lat. 42°09'43.05" N, long. 072°42'58.32" W)
FAIDS, MA	FIX	(Lat. 42°17'00.75" N, long. 072°30'33.91" W)
Gardner, MA (GDM)	VOR/DME	(Lat. 42°32'45.31" N, long. 072°03'29.48" W)
MANCH, NH	WP	(Lat. 42°52'12.03" N, long. 071°22'06.54" W)
Kennebunk, ME (ENE)	VOR/DME	(Lat. 43°25'32.42" N, long. 070°36'48.69" W)

* * * * *

T-315 JARLO, WV to Burlington, VT (BTV) [Amended]

JARLO, WV	WP	(Lat. 38°20'58.85" N, long. 081°46'11.68" W)
SHANE, WV	WP	(Lat. 37°58'31.15" N, long. 080°48'24.34" W)
DBRAH, VA	WP	(Lat. 37°20'34.14" N, long. 080°04'10.75" W)
SPNKS, VA	WP	(Lat. 37°17'21.31" N, long. 079°33'17.14" W)
KONRD, VA	WP	(Lat. 37°20'39.83" N, long. 079°01'33.27" W)
CRUMB, VA	FIX	(Lat. 37°28'09.44" N, long. 078°08'27.69" W)
Flat Rock, VA (FAK)	VORTAC	(Lat. 37°31'42.63" N, long. 077°49'41.59" W)
WAVES, VA	WP	(Lat. 37°35'13.54" N, long. 077°26'52.03" W)
TAPPA, VA	FIX	(Lat. 37°58'12.66" N, long. 076°50'40.62" W)
COLIN, VA	FIX	(Lat. 38°05'59.23" N, long. 076°39'50.85" W)
SHLBK, MD	WP	(Lat. 38°20'16.21" N, long. 076°26'10.51" W)
PRNCZ, MD	WP	(Lat. 38°37'38.10" N, long. 076°05'08.20" W)
CHOPS, MD	FIX	(Lat. 38°45'41.81" N, long. 075°57'36.18" W)
COSHA, DE	WP	(Lat. 38°57'57.57" N, long. 075°30'51.59" W)
Atlantic City, NJ (ACY)	VORTAC	(Lat. 39°27'21.15" N, long. 074°34'34.73" W)
PANZE, NJ	FIX	(Lat. 39°40'33.58" N, long. 074°10'05.45" W)
DIXIE, NJ	FIX	(Lat. 40°05'57.72" N, long. 074°09'52.17" W)
Kennedy, NY (JFK)	VOR/DME	(Lat. 40°37'58.40" N, long. 073°46'17.00" W)
KEEPM, NY	FIX	(Lat. 40°50'14.77" N, long. 073°32'42.58" W)
TRANZ, NY	FIX	(Lat. 40°51'31.95" N, long. 073°22'30.80" W)
PUGGS, NY	FIX	(Lat. 40°56'27.65" N, long. 073°13'47.73" W)
EEGOR, CT	WP	(Lat. 41°09'38.94" N, long. 073°07'27.66" W)
Hartford, CT (HFD)	VOR/DME	(Lat. 41°38'27.98" N, long. 072°32'50.70" W)
DVANY, CT	WP	(Lat. 41°51'44.56" N, long. 072°18'11.25" W)
Gardner, MA (GDM)	VOR/DME	(Lat. 42°32'45.31" N, long. 072°03'29.48" W)
KEYNN, NH	WP	(Lat. 42°47'39.99" N, long. 072°17'30.35" W)
EBERT, VT	FIX	(Lat. 43°32'58.08" N, long. 072°45'42.45" W)
Burlington, VT (BTV)	VOR/DME	(Lat. 44°23'49.58" N, long. 073°10'57.48" W)

* * * * *

T-325 RAMRD, KY to Oshkosh, WI (OSH) [Amended]

RAMRD, KY	WP	(Lat. 36°55'44.04" N, long. 086°26'36.58" W)
RENRO, KY	WP	(Lat. 37°28'50.53" N, long. 086°39'19.25" W)
APALO, IN	FIX	(Lat. 38°00'20.59" N, long. 086°51'35.27" W)
JIBKA, IN	WP	(Lat. 39°30'08.93" N, long. 087°16'26.74" W)
SMARS, IL	WP	(Lat. 41°07'38.18" N, long. 088°51'38.22" W)
TRENM, IL	WP	(Lat. 41°17'24.93" N, long. 089°00'27.53" W)
START, IL	WP	(Lat. 41°45'24.83" N, long. 089°00'21.81" W)
GRIFT, IL	WP	(Lat. 42°17'28.14" N, long. 088°53'41.42" W)
DEBOW, WI	WP	(Lat. 42°44'08.30" N, long. 088°50'48.92" W)
LUNGS, WI	WP	(Lat. 43°02'43.66" N, long. 088°56'54.86" W)
HOMNY, WI	WP	(Lat. 43°31'02.22" N, long. 088°39'40.15" W)
Oshkosh, WI (OSH)	VORTAC	(Lat. 43°59'25.56" N, long. 088°33'21.36" W)

* * * * *

T-360 SHANE, WV to WAVES, VA [New]

SHANE, WV	WP	(Lat. 37°58'31.15" N, long. 080°48'24.34" W)
OBEPE, VA	FIX	(Lat. 37°54'23.03" N, long. 079°13'21.04" W)
ROMAN, VA	FIX	(Lat. 37°48'12.67" N, long. 078°46'03.24" W)
ARVON, VA	FIX	(Lat. 37°41'13.95" N, long. 078°21'58.75" W)
WAVES, VA	WP	(Lat. 37°35'13.54" N, long. 077°26'52.03" W)

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q-68 LITTR, AR to OTTTO, VA [Amended]

LITTR, AR	WP	(Lat. 34°40'39.90" N, long. 092°10'49.26" W)
RAMRD, KY	WP	(Lat. 36°55'44.04" N, long. 086°26'36.58" W)
Charleston, WV (HVQ)	VOR/DME	(Lat. 38°20'58.83" N, long. 081°46'11.69" W)
TOMCA, WV	WP	(Lat. 38°34'42.49" N, long. 080°36'41.09" W)
RONZZ, WV	WP	(Lat. 38°33'16.08" N, long. 080°07'56.63" W)
CAPOE, VA	WP	(Lat. 38°51'13.13" N, long. 078°22'27.45" W)
OTTTO, VA	WP	(Lat. 38°51'15.81" N, long. 078°12'20.01" W)

* * * * *

Issued in Washington, DC, on August 4, 2022.

Scott M. Rosenbloom,
Manager, Airspace Rules and Regulations.
 [FR Doc. 2022-17207 Filed 8-12-22; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0941; Airspace Docket No. 21-AEA-27]

RIN 2120-AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend three low altitude Area Navigation (RNAV) routes (T-routes), and establish three T-routes to augment the VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) Program. The purpose is to enhance the efficiency of the National Airspace System (NAS) by transitioning from a ground-based to a satellite-based navigation system.

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800)

647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2022-0941; Airspace Docket No. 21-AEA-27 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in the northeast United States and improve the efficient flow of air traffic within the

NAS by lessening the dependency on ground-based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2022-0941; Airspace Docket No. 21-AEA-27) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-0941; Airspace Docket No. 21-AEA-27." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report

summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend three low altitude RNAV T-routes, and establish six T-routes in the northeast United States to augment the VOR MON Program.

T-216: T-216 extends from the Philipsburg, PA (PSB), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC) to the Nantucket, MA (ACK), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). This proposal would amend the route description by replacing the Williamsport, PA (FQM), VOR/DME with the LYKOM, PA, waypoint (WP). Also, the wording "The airspace within R-4105 is excluded during times of use" would be removed from the description because restricted area R-4105 has been revoked by the FAA and is no longer in effect. There are no other changes to T-216.

T-440: T-440 is a proposed new route that would extend from the STUBN, NY, WP to the TALLI, PA, WP. T-440 would overlay VOR Federal airway V-147 from the STUBN WP to the WLKES, PA, WP. The WLKES WP would replace the Wilkes-Barre, PA (LVZ), VORTAC. T-440 would also overlay airway V-116 from the WLKES WP to the TALLI, PA, WP (located 26 nautical miles east of the Wilkes-Barre VORTAC).

T-449: T-449 is a proposed new route that would extend from the KITHE, PA, Fix, to the Binghamton, NY (CFB), VOR/DME. The route would overlay a portion of airway V-499 from the KITHE Fix to the Binghamton VOR/DME. The HEXSN, PA, WP would replace the Lancaster, PA (LRP), VOR/DME in the route description.

T-454: T-454 is a proposed new route that would extend from the SCAAM, PA, WP to the NWTON, NJ, WP. The route would overlay a portion of airway V-226 from the FAVUM, PA, WP to the NWTON, NJ, WP. In the route description, WPs would be used in place of the following navigation aids: The LYCOM, PA, WP replaces the Williamsport, PA (FQM), VOR/DME. The WLKES, PA, WP replaces the Wilkes-Barre, PA (LVZ), VORTAC. The NWTON, NJ, WP replaces the Stillwater, NJ (STW), VOR/DME.

T-634: T-634 is a Canadian RNAV route that extends between the Syracuse, NY (SYR), VORTAC and the VIBRU, NY, WP. The FAA proposes to expand T-634 south and eastward from Syracuse to the Sandy Point, RI (SEY), VOR/DME. The order of points in the route description would be amended to begin at the VIBRU, NY WP. The following points would be added after Syracuse: STODA, NY, Fix; RAHKS, NY, WP; DANZI, NY, WP; WEETS, NY, Fix; Kingston, NY (IGN), VOR/DME; CASSH, NY, Fix; BIZEX, NY, WP; CREAM, NY, Fix and Sandy Point, RI (SEY), VOR/DME. The PAGER, NY, and BRUIN, NY WPs would be removed from the description because they don't mark a turn point in the route. T-634 would overlay portions of airway V-483 from Syracuse to BIZEX. It would overlay V-374 from BIZEX to CREAM; and overlay V-34 from CREAM to Sandy Point. In the route description, the RAHKS, NY, WP would replace the Rockdale, NY (RKA), VOR/DME.

T-705: T-705 is a Canadian RNAV route that extends into U.S. airspace between the DANZI, NY, WP and the MUTNA, NY, WP. The FAA proposes to extend T-705 generally eastward to the Nantucket, MA (ACK), VOR/DME. The DANZI WP would be removed from the route at air traffic control request. Thus, the proposed eastward expansion of the

route to Nantucket would begin at the CODDI, NY, Fix instead of DANZI. As amended, the route would begin at the Nantucket VOR/DME, then pass through the following added points: LIBBE, NY, Fix; ORCHA, NY, WP; Calverton, NY (CCC), VOR/DME; BELTT, NY, WP; EEGOR, CT, WP; LOVES, CT, WP; PAWLN, NY, WP; CYPEN, NY, Fix. From the CYPEN Fix, T-705 would proceed to the CODDI, NY, Fix where the remainder of the route would continue to the MUTNA, NY, WP as currently charted, except for the following changes. The following points would be removed because they don't mark a turn point on the route: MILID, NY, Fix; USICI, NY, WP; GACKE, NY, WP; BECKS, NY, WP; SMAIR, NY, WP; FOSYU, NY, WP; and UUBER, NY, WP. In the route description, the PAWLN, NY, WP would replace the Pawling, NY (PWL), VOR/DME.

The amended route would overlay portions of airway V-46 from Nantucket to Calverton. It would overlay airway V-44 from the BELTT WP to the PAWLN WP. As amended, T-705 would extend from Nantucket, MA, to MUTNA, NY.

United States Area Navigation (RNAV) routes are published in paragraph 6011, and Canadian Area Navigation routes are published in paragraph 6013, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-216 Philipsburg, PA (PSB) to Nantucket, MA (ACK) [Amended]

Philipsburg, PA (PSB)	VORTAC	(Lat. 40°54'58.53" N, long. 077°59'33.78" W)
LYKOM, PA	WP	(Lat. 41°20'18.75" N, long. 076°46' 30.30" W)
ELEXY, PA	WP	(Lat. 41°25'53.71" N, long. 076°07' 35.20" W)
LAAYK, PA	FIX	(Lat. 41°28'32.64" N, long. 075°28' 57.31" W)
HELON, NY	FIX	(Lat. 41°40'02.72" N, long. 074°16' 49.52" W)
Kingston, NY (IGN)	VOR/DME	(Lat. 41°39'55.62" N, long. 073°49' 20.01" W)
MOONI, CT	FIX	(Lat. 41°37'53.28" N, long. 073°19' 19.43" W)
Hartford, CT (HFD)	VOR/DME	(Lat. 41°38'27.98" N, long. 072°32' 50.70" W)
Groton, CT (GON)	VOR/DME	(Lat. 41°19'49.45" N, long. 072°03'07.14" W)
Sandy Point, RI (SEY)	VOR/DME	(Lat. 41°10'02.77" N, long. 071°34'33.91" W)
Nantucket, MA (ACK)	VOR/DME	(Lat. 41°16'54.79" N, long. 070°01'36.16" W)

* * * * *

T-440 STUBN, NY to TALLI, PA [New]

STUBN, NY	WP	(Lat. 42°05'38.58" N, long. 077°01'28.68" W)
WLKES, PA	WP	(Lat. 41°16'22.57" N, long. 075°41'21.60" W)
TALLI, PA	WP	(Lat. 41°19'01.60" N, long. 075°06'43.17" W)

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T-449 KITHE, PA to Binghamton, NY (CFB) [New]

KITHE, PA	FIX	(Lat. 39°48'35.53" N, long. 076°17'48.12" W)
HEXSN, PA	WP	(Lat. 40°07'12.46" N, long. 076°17'28.38" W)
Binghamton, NY (CFB)	VOR/DME	(Lat. 42°09'26.97" N, long. 076°08'11.30" W)

* * * * *

T-454 SCAAM, PA to NWTON, NJ [New]

SCAAM, PA	WP	(Lat. 41°11'37.46" N, long. 077°58'15.20" W)
FAVUM, PA	WP	(Lat. 41°15'59.17" N, long. 077°35'42.32" W)
LYKOM, PA	WP	(Lat. 41°20'18.75" N, long. 076°46'30.30" W)
WLKES, PA	WP	(Lat. 41°16'22.57" N, long. 075°41'21.60" W)
NWTON, NJ	WP	(Lat. 40°59'45.19" N, long. 074°52'09.21" W)

* * * * *

Paragraph 6013 Canadian Area Navigation Routes.

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T-634 VIBRU, NY to Sandy Point, RI (SEY) [Amended]

VIBRU, NY	WP	(Lat. 44°20'21.30" N, long. 076°01'19.96" W)
Watertown, NY (ART)	VORTAC	(Lat. 43°57'07.67" N, long. 076°03'52.66" W)
Syracuse, NY (SYR)	VORTAC	(Lat. 43°09'37.87" N, long. 076°12'16.41" W)
STODA, NY	FIX	(Lat. 43°07'00.20" N, long. 075°51'21.23" W)
RAHKS, NY	WP	(Lat. 42°27'59.28" N, long. 075°14'21.68" W)
DANZI, NY	WP	(Lat. 42°10'41.86" N, long. 074°57'24.19" W)
WEETS, NY	FIX	(Lat. 41°51'26.98" N, long. 074°11'51.51" W)
Kingston, NY (IGN)	VOR/DME	(Lat. 41°39'55.62" N, long. 073°49' 20.01" W)
CASSH, NY	FIX	(Lat. 41°35'38.16" N, long. 073°42'17.07" W)
BIZEX, NY	WP	(Lat. 41°17'02.86" N, long. 073°34'50.20" W)
CREAM, NY	FIX	(Lat. 41°08'55.85" N, long. 072°31'18.32" W)
Sandy Point, RI (SEY)	VOR/DME	(Lat. 41°10'02.77" N, long. 071°34'33.91" W)

* * * * *

T-705 Nantucket, MA (ACK) to MUTNA, NY [Amended]

Nantucket, MA (ACK)	VOR/DME	(Lat. 41°16'54.79" N, long. 070°01'36.16" W)
LIBBE, NY	FIX	(Lat. 41°00'15.86" N, long. 071°21'20.34" W)
ORCHA, NY	WP	(Lat. 40°54'55.46" N, long. 072°18'43.64" W)
Calverton, NY (CCC)	VOR/DME	(Lat. 40°55'46.63" N, long. 072°47'55.89" W)
BELTT, NY	WP	(Lat. 41°03'48.61" N, long. 072°59'13.52" W)
EEGOR, CT	WP	(Lat. 41°09'38.94" N, long. 073°07'27.66" W)
LOVES, CT	FIX	(Lat. 41°32'19.64" N, long. 073°29'17.14" W)
PAWLN, NY	WP	(Lat. 41°46'11.51" N, long. 073°36'02.64" W)

CYPER, NY	FIX	(Lat. 42°06'32.37" N, long. 074°16'25.52" W)
CODDI, NY	FIX	(Lat. 42°22'52.15" N, long. 075°00'21.84" W)
LAMMS, NY	WP	(Lat. 43°01'35.30" N, long. 075°09'51.50" W)
SRNAC, NY	WP	(Lat. 44°23'05.00" N, long. 074°12'16.11" W)
RIGID, NY	WP	(Lat. 44°35'19.53" N, long. 073°44'34.07" W)
PBERG, NY	WP	(Lat. 44°42'06.25" N, long. 073°31'22.18" W)
LATTS, NY	WP	(Lat. 44°51'29.78" N, long. 073°32'29.26" W)
MUTNA, NY	WP	(Lat. 45°00'20.84" N, long. 073°33'27.65" W)

* * * * *

Issued in Washington, DC, on August 4, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-17209 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0939; Airspace Docket No. 21-AEA-25]

RIN 2120-AA66

Proposed Amendment of VOR Federal Airways; Northeast United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF Omnidirectional Range (VOR) Federal airways V-35 and V-260 in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527 or (202) 366-9826. You must identify FAA Docket No. FAA-2022-0939; Airspace Docket No. 21-AEA-25 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov. FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence

Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the VOR Federal airway route structure in the eastern United States to maintain the efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2022-0939; Airspace Docket No. 21-AEA-25) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-0939; Airspace Docket No. 21-AEA-25." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify VOR Federal airways V-35 and V-260. The proposed route changes are described below.

V-35: V-35 extends from Dolphin, FL to Morgantown, WV; and From Philipsburg, PA to Syracuse, NY. The

FAA proposes to remove the segments from Philipsburg, PA, to Syracuse, NY. United States Area Navigation (RNAV) route T-307 will be published as a partial overlay and replacement for V-35. A review of aeronautical charts shows that V-35 does not extend outside U.S. airspace, therefore the following wording would be removed from the V-35 legal description: "The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit."

V-260: V-260 extends from Charleston, WV, to Cofield, NC. The FAA proposes to remove Charleston, WV; Rainelle, WV; Roanoke, VA; Lynchburg, VA; Franklin, VA; and Cofield, NC from the route. As amended, V-260 would extend from Flat Rock, VA, to Hopewell, VA. The full descriptions of the above routes are listed the proposed amendments to part 71 set forth below.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and

Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-35 [Amended]

From Dolphin, FL; INT Dolphin 266° and Cypress, FL, 110° radials; INT Cypress 110° and Lee County, FL, 138° radials; Lee County; INT Lee County 326° and St. Petersburg, FL, 152° radials; St. Petersburg; INT St. Petersburg 350° and Cross City, FL, 168° radials; Cross City; Greenville, FL; Pecan, GA; Macon, GA; INT Macon 005° and Athens, GA, 195° radials; Athens; Electric City, SC; Sugarloaf Mountain, NC; Holston Mountain, TN; Glade Spring, VA; Charleston, WV; INT Charleston 051° and Elkins, WV, 264° radials; Clarksburg, WV to Morgantown, WV.

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V-260 [Amended] From Flat Rock, VA; Richmond, VA; to Hopewell, VA.

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Issued in Washington, DC, on August 4, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-17208 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0940; Airspace Docket No. 21-ASO-26

RIN 2120-AA66

Proposed Amendment and Revocation of VOR Federal Airways; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify five VHF Omnidirectional Range (VOR) Federal airways, and remove one airway. This action supports the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527 or (202) 366-9826. You must identify FAA Docket No. FAA-2022-0940; Airspace Docket No. 21-ASO-26 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov. FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the VOR Federal airway route structure in the eastern United States to maintain the efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2022-0940; Airspace Docket No. 21-ASO-26) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-0940; Airspace Docket No. 21-ASO-26." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and

5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify VHF Omnidirectional Range (VOR) Federal airways V-67, V-159, V-185, V-209, and V-379; and remove airway V-541. The proposed route changes are described below.

V-67: V-67 consists of two parts: From Choo Choo, TN, to Shelbyville, TN; and From the intersection of the Centralia, IL 010° and the Vandalia, IL 162° radials, to Rochester, MN. This proposal would remove the first part of the route. The second part of the route would remain unchanged as currently charted.

V-159: V-159 consists of two parts: From Virginia Key, FL to Vulcan, AL; and From Holly Springs, MS to Omaha IA. The proposed change would remove Tuskegee, AL from the first part of the route. In place of Tuskegee, the existing KENTT Intersection would be added to the route description. The KENTT Intersection is defined by the intersection of the Eufaula, AL 320°(T)/318°(M) and the Vulcan, AL 139°(T)/137°(M) radials. This change would not affect the alignment of V-159. Existing United States Area Navigation (RNAV) route T-239 overlays V-159 from Vulcan, AL, to Pecan, GA. As amended, V-159 would extend from Virginia Key, FL to Vulcan, AL; and From Holly Springs, MS to Omaha, IA.

V-185: V-185 extends from Savannah, GA, to Volunteer, TN. The FAA proposes to remove Greenwood, SC, and Sugarloaf Mountain, NC, from the route. As amended, V-185 would consist of two parts: From Savannah, GA, to Colliers, SC; and From Snowbird, TN, to Volunteer, TN.

V-209: V-209 consists of two parts: From Semmes, AL, to the intersection of the of the Semmes 356° and the Eaton, MS 080° radials; and From the intersection of the Bigbee, MS 139° and the Brookwood, AL 230° radials, to Choo Choo, TN. This action would terminate the second part of the route at Gadsden, AL, and remove the segment from Gadsden to Choo Choo, TN.

As amended, V-209 would extend From Semmes, AL, to the intersection of the of the Semmes 356° and the Eaton, MS 080° radials; and From the intersection of the Bigbee, MS 139° and the Brookwood, AL 230° radials, to Gadsden, AL.

V-379: V-379 extends from Nottingham, MD, to Smyrna, DE. This action would replace the Nottingham VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC) with an intersection defined by radials from the Westminster, MD (EMI), VORTAC and the Smyrna, DE (ENO), VORTAC (the BUKYY intersection). As amended, V-379 would extend from the intersection of the Westminster 167°(T)/175°(M) and the Smyrna 242°(T)/251°(M) radials; to Smyrna.

V-541: V-541 extends from Gadsden, AL, to the intersection of the Gadsden 318° and the Vulcan, AL 029° radials. This route is only 28 nautical miles long and is not required by air traffic control. The FAA proposes to remove the route in its entirety. The full descriptions of the above routes are listed in the proposed amendments to part 71 set forth below.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in and removed from FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not

warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-67 [Amended]

From INT Centralia 010° and Vandalia, IL, 162° radials; Vandalia; Spinner, IL; Burlington, IA; Iowa City, IA; Cedar Rapids, IA; Waterloo, IA; to Rochester, MN.

* * * * *

V-159 [Amended]

From Virginia Key, FL; INT Virginia Key 344° and Treasure, FL, 178° radials; Treasure; INT Treasure 318° and Orlando, FL, 140° radials; Orlando; Ocala, FL; Cross City, FL; Greenville, FL; Pecan, GA; Eufaula, AL; INT Eufaula, 320° and Vulcan, AL 139° radials to Vulcan. From Holly Springs, MS; Gilmore, AR; Walnut Ridge, AR; Dogwood, MO; Springfield, MO; Napoleon, MO; INT Napoleon 005° and St. Joseph, MO, 122° radials; St. Joseph; to Omaha, IA.

* * * * *

V-185 [Amended]

From Savannah, GA; INT Savannah 335° and Colliers, SC, 150° radials; to Colliers. From Snowbird, TN; INT Snowbird 301° and Volunteer, TN, 069° radials; to Volunteer.

* * * * *

V-209 [Amended]

From Semmes, AL, to INT Semmes 356° and Eaton, MS, 080° radials. From INT Bigbee, MS 139° and Brookwood, AL 230° radials; Brookwood; Vulcan, AL; INT Vulcan 097° and Gadsden, AL, 233° radials; to Gadsden.

* * * * *

V-379 [Amended]

From INT Westminster, MD 167° and Smyrna, DE 242° radials; to Smyrna.

* * * * *

V-541 [Removed]

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Issued in Washington, DC, on August 4, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-17210 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0903; Airspace Docket No. 22-ANE-8]

RIN 2120-AA66

Proposed Establishment of Class E Airspace; Norway, ME, and Proposed Amendment of Class E Airspace; Oxford, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Stephens Memorial Hospital Heliport, Norway, ME, to accommodate area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this heliport. Also, this action proposes to amend Class E airspace extending upward from 700 feet above the surface for Oxford County Regional Airport, Oxford, ME, by updating the airport’s geographic coordinates, and removing unnecessary verbiage from the airport description. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify the Docket No. FAA-2022-0903; Airspace Docket No. 22-ANE-8 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish airspace in Norway, ME, and amend airspace in Oxford, ME, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2022–0903 and Airspace Docket No. 22–ANE–8) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at www.regulations.gov.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2022–0903; Airspace Docket No. 22–ANE–8.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA’s web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points,

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface at Stephens Memorial Hospital Heliport, Norway, ME, to accommodate RNAV GPS standard instrument approach procedures (SIAPs) serving this heliport. This action would also amend Class E airspace extending upward from 700 feet above the surface at Oxford County Regional Airport, Oxford, ME, by updating the airport’s geographic coordinates to coincide with the FAA’s database, and removing ‘excluding that airspace within the Auburn, ME Class E airspace area’ from the airport description, as it is unnecessary verbiage, as per Order 7400.2N.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANE ME E5 Norway, ME [Established]

Stephens Memorial Hospital Heliport, ME
(Lat. 44°12'34" N, long. 70°31'54" W)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Stephens Memorial Hospital Heliport.

ANE ME E5 Oxford, ME [Amended]

Oxford County Regional Airport, ME
(Lat. 44°09'27" N, long. 70°28'53" W)

That airspace extending upward from 700 feet above the surface within a 9.6-mile radius of Oxford County Regional Airport.

Issued in College Park, Georgia, on August 5, 2022.

Andrese C. Davis,

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

[FR Doc. 2022–17176 Filed 8–12–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**[Docket No. FAA-2022-0931; *Airspace*
Docket No. 21-AEA-20]

RIN 2120-AA66

**Proposed Establishment of Area
Navigation (RNAV) Routes; Northeast
United States****AGENCY:** Federal Aviation
Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to establish three low altitude United States Area Navigation (RNAV) routes (T-routes) in support of the VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) Program. The purpose is to enhance the efficiency of the National Airspace System (NAS) by transitioning from a ground-based to a satellite-based navigation system.

DATES: Comments must be received on or before September 29, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2022-0931; *Airspace* Docket No. 21-AEA-20 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

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

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

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in the eastern United States and improve the efficient flow of air traffic within the NAS by lessening the dependency on ground-based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2022-0931; *Airspace* Docket No. 21-AEA-20) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2022-0931; *Airspace* Docket No. 21-AEA-20." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking

documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

**Availability and Summary of
Documents for Incorporation by
Reference**

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish three low altitude RNAV T-routes, designated T-307, T-324, and T-335, in the northeast United States to support the VOR MON Program and the transition from ground-based navigation aids.

T-307: T-307 is a proposed new route that would extend between the PEARS, NC, Fix (located approximately 38 nautical miles southeast of the Tar River, NC (TYI), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC)), and the Syracuse, NY (SYR), VORTAC. T-307 would overlay a portion of VOR Federal airway V-139 from the PEARS, NC, Fix, to the Sea Isle, NJ (SIE), VORTAC. It would overlay airway V-184 from the PADRE, PA, Fix, to the Philipsburg, PA (PSB), VORTAC. Also, it would overlay airway V-35 from the Philipsburg, PA (PSB), VORTAC to the Syracuse, NY (SYR), VORTAC.

In the description of T-307, the following waypoints (WP) are used in place of VORTACs or VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) facilities as indicated. The OUTLA, VA, WP replaces the Cape Charles, VA (CCV), VORTAC. The ZJAAY, MD, WP replaces the Snow Hill, MD (SWL), VORTAC. The WNSTN, NJ, WP replaces

the Sea Isle, NJ (SIE), VORTAC. The DLMAR, PA, WP replaces the Stonyfork, PA (SFK), VOR/DME. The STUBN, NY, WP replaces the Elmira, NY (ULW), VOR/DME.

T-324: T-324 is a proposed new route that would extend between the BRVRY, WV, WP and the BRIGS, NJ, Fix. T-324 would parallel airway V-166 from the Kessel, WV (ESL), VOR/DME to the Woodstown, NJ (OOD), VORTAC. T-324 would overlay airway V-577 from the Cedar Lake, NJ (VCN), VOR/DME to the BRIGS, NJ, Fix.

In the T-324 description, the BRVRY WP replaces the Kessel VOR/DME, and the JIMS, NJ, WP, replaces the Cedar Lake VOR/DME.

T-335: T-335 is a proposed new route that would extend between the ZJAAY, MD, WP and the Syracuse, NY (SYR), VORTAC. The route would overlay portions of airway V-29 from the Snow Hill, MD (SWL), VORTAC to the Syracuse, NY (SYR), VORTAC.

In the description of T-335, WPs will replace certain VORTACs as follows. The ZJAAY, MD, WP replaces the Snow Hill, MD (SWL), VORTAC. The TRPOD, MD, WP replaces the Salisbury, MD (SBY), VORTAC. The BYEDN, DE, WP replaces the Dupont, DE (DQO), VORTAC. The LIMRK, PA, WP replaces the Pottstown, PA (PTW), VORTAC. The WLKES, PA, WP replaces the Wilkes-Barre, PA (LVZ), VORTAC.

The full descriptions of the above routes are listed in the proposed amendments to part 71 set forth below.

United States Area Navigation routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The United States Area Navigation routes listed in this document would be subsequently published in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-307 PEARS, NC to Syracuse, NY (SYR) [New]

PEARS, NC	FIX	(Lat. 35°47'12.36" N, long. 076°57'01.97" W)
Norfolk, VA (ORF)	VORTAC	(Lat. 36°53'30.86" N, long. 076°12'01.18" W)
OUTLA, VA	WP	(Lat. 37°20'45.48" N, long. 075°59'54.08" W)
DUNFE, VA	FIX	(Lat. 37°53'18.83" N, long. 075°35'29.39" W)
ZJAAY, MD	WP	(Lat. 38°03'09.95" N, long. 075°26'34.27" W)
CBEAV, MD	FIX	(Lat. 38°22'19.01" N, long. 075°15'53.18" W)
WNSTN, NJ	WP	(Lat. 39°05'43.81" N, long. 074°48'01.20" W)
BRIEF, NJ	FIX	(Lat. 39°26'55.21" N, long. 075°07'39.69" W)
TEBEE, NJ	FIX	(Lat. 39°30'13.97" N, long. 075°19'37.19" W)
CHAZR, DE	WP	(Lat. 39°29'28.14" N, long. 075°44'28.13" W)
APEER, MD	WP	(Lat. 39°37'32.94" N, long. 075°50'25.39" W)
REESY, PA	WP	(Lat. 39°45'27.94" N, long. 075°52'07.09" W)
PADRE, PA	FIX	(Lat. 39°56'16.67" N, long. 076°03'18.63" W)
DELRO, PA	FIX	(Lat. 39°57'55.71" N, long. 076°37'31.24" W)
Harrisburg, PA (HAR)	VORTAC	(Lat. 40°18'08.06" N, long. 077°04'10.41" W)
PYCAT, PA	FIX	(Lat. 40°26'46.59" N, long. 077°17'21.34" W)
MCMAN, PA	FIX	(Lat. 40°38'16.11" N, long. 077°34'14.31" W)
RASHE, PA	FIX	(Lat. 40°40'36.04" N, long. 077°38'38.94" W)
Philipsburg, PA (PSB)	VORTAC	(Lat. 40°54'58.53" N, long. 077°59'33.78" W)
DLMAR, PA	WP	(Lat. 41°41'42.56" N, long. 077°25'11.02" W)
STUBN, NY	WP	(Lat. 42°05'38.58" N, long. 077°01'28.68" W)
Syracuse, NY (SYR)	VORTAC	(Lat. 43°09'37.87" N, long. 076°12'16.41" W)

* * * * *

T-324 BRVRY, WV to BRIGS, NJ [New]

BRVRY, WV	WP	(Lat. 39°13'22.68" N, long. 078°57'47.18" W)
BAMMY, WV	WP	(Lat. 39°24'33.13" N, long. 078°25'45.64" W)
BUBBI, WV	FIX	(Lat. 39°27'03.29" N, long. 078°08'14.71" W)
CPTAL, MD	WP	(Lat. 39°32'16.02" N, long. 077°41'55.65" W)
TWIRK, MD	WP	(Lat. 39°34'36.70" N, long. 077°12'44.75" W)
VMORT, MD	WP	(Lat. 39°39'14.53" N, long. 076°37'49.10" W)
SHIKA, MD	WP	(Lat. 39°42'38.62" N, long. 076°21'13.41" W)
TROYZ, MD	FIX	(Lat. 39°41'02.40" N, long. 076°07'05.67" W)
APEER, MD	WP	(Lat. 39°37'32.94" N, long. 075°50'25.39" W)

CHAZR, DE	WP	(Lat. 39°29'28.14" N, long. 075°44'28.13" W)
TEBEE, NJ	FIX	(Lat. 39°30'13.97" N, long. 075°19'37.19" W)
JHIMS, NJ	WP	(Lat. 39°32'15.62" N, long. 074°58'01.72" W)
BRIGS, NJ	FIX	(Lat. 39°31'24.72" N, long. 074°08'19.67" W)

* * * * *

T-335 ZJAAY, MD to Syracuse, NY (SYR) [New]

ZJAAY, MD	WP	(Lat. 38°03'09.95" N, long. 075°26'34.27" W)
TRPOD, MD	WP	(Lat. 38°20'17.30" N, long. 075°30'28.27" W)
Smyrna, DE (ENO)	VORTAC	(Lat. 39°13'53.93" N, long. 075°30'57.49" W)
BYEDN, OA	WP	(Lat. 39°40'41.60" N, long. 075°36'24.84" W)
MARQI, PA	WP	(Lat. 39°55'22.30" N, long. 075°32'11.18" W)
HOSKR, PA	WP	(Lat. 40°05'03.94" N, long. 075°32'56.13" W)
LIMRK, PA	WP	(Lat. 40°13'19.44" N, long. 075°33'36.96" W)
East Texas, PA (ETX)	VOR/DME	(Lat. 40°34'51.74" N, long. 075°41'02.51" W)
WLKES, PA	WP	(Lat. 41°16'22.57" N, long. 075°41'21.60" W)
Binghamton, NY (CFB)	VOR/DME	(Lat. 42°09'26.96" N, long. 076°08'11.30" W)
CORTA, NY	FIX	(Lat. 42°40'25.65" N, long. 076°04'34.93" W)
Syracuse, NY (SYR)	VORTAC	(Lat. 43°09'37.87" N, long. 076°12'16.41" W)

* * * * *

Issued in Washington, DC, on August 4, 2022.

Scott M. Rosenbloom,
Manager, Airspace Rules and Regulations.
 [FR Doc. 2022-17206 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. OSHA-2021-0012]

RIN 1218-AD43

Arizona State Plan for Occupational Safety and Health; Proposed Reconsideration and Revocation; Reopening of Comment Period; Postponement of Public Hearing

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

ACTION: Notification of limited reopening of rulemaking record; notification of postponement of public hearing.

SUMMARY: OSHA is reopening the comment period for an additional 60 days to allow for additional public comment on specific topics. Additionally, OSHA is postponing the tentatively scheduled informal public hearing. Before making any decisions about future proceedings, OSHA will review all of the comments on the proposal, including any comments submitted during the reopening of the comment period. Thus, any further decisions about the scheduling of a hearing are in abeyance until that time. Announcements about any future hearing dates will be published by notice in the **Federal Register**.

DATES: Written comments in response to OSHA's reopening of the comment

period must be submitted to Docket No. OSHA-2021-0012 by October 14, 2022.

ADDRESSES:

Written comments: You may submit comments and attachments electronically at www.regulations.gov, which is the Federal e-Rulemaking Portal. Follow the instructions on-line for making electronic submissions.

Instructions: All submissions must include the agency name and docket number for this rulemaking (Docket No. OSHA-2021-0012). All submissions, including any personal information, are placed in the public docket without change and may be available online at www.regulations.gov. Therefore, OSHA cautions you about submitting certain personal information, such as social security numbers and birthdates.

Docket: To read or download comments and materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA-2021-0012 at www.regulations.gov. All comments and submissions are listed in the www.regulations.gov index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that website. All comments and submissions are available for inspection and, where permissible, copying at the OSHA Docket Office, U.S. Department of Labor; telephone: (202) 693-2350 (TTY number: (877) 889-5627).

Documents submitted to the docket by OSHA or stakeholders are assigned document identification numbers (Document ID) for easy identification and retrieval. The full Document ID is the docket number plus a unique four-digit code. For example, the full Document ID number for the comment submitted by the Industrial Commission of Arizona (ICA) and the Arizona Division of Occupational Safety and Health (ADOSH), which is discussed in more detail below, is Document ID OSHA-2021-0012-0228. OSHA will identify this comment, and other

comments in the rulemaking, by the term "Document ID" followed by the comment's unique four-digit code.

Electronic copies of this **Federal Register** document are available at www.regulations.gov. This document, as well as news releases and other relevant information, is also available at OSHA's website at www.osha.gov.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693-1999; email meilinger.francis2@dol.gov.

For general and technical information: Contact Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs, U.S. Department of Labor; telephone (202) 693-2200; email: kalinowski.doug@dol.gov.

SUPPLEMENTARY INFORMATION: On April 21, 2022, OSHA published a Notice of Proposed Reconsideration and Revocation of Final Approval of the Arizona State Plan for Occupational Safety and Health (Notice) (87 FR 23783). Comments were initially due on May 26, 2022. In response to requests from the public, OSHA extended the comment period to July 5, 2022 (87 FR 31442). OSHA received 197 comments concerning the proposal during the comment period. The April 21, 2022 document tentatively scheduled an informal public hearing on the proposal to begin on August 16, 2022.

I. Additional Information and Request for Comment

On July 5, 2022, the last day of the comment period, the Industrial Commission of Arizona (ICA) and its sub-agency, the Arizona Division of Occupational Safety and Health (ADOSH), submitted a comment on the proposal (Document ID 0228). Therein, the ICA and ADOSH stated that Arizona has completed a number of measures to address the concerns OSHA identified

in the proposal. Among other things, ICA and ADOSH stated that:

- Arizona has updated all of its State Plan Application (“SPA”) portal entries to accurately reflect adoption dates for National Emphasis Programs (NEPs) and final rules.

- Arizona is in the final stage of the rulemaking process to adopt the following final rules: Standards Improvement Project Phase-IV (“SIP-IV”); Beryllium in Construction and Shipyard; and Cranes and Derricks in Construction: Railroad Roadway Work.¹

- The ICA adopted an increase to the minimum penalties for serious and non-serious violations to match OSHA minimums on October 21, 2021.

- On June 23, 2022, the Arizona Legislature passed House Bill (“HB”) 2120, amending A.R.S. § 23–418 to tie the statutory ADOSH maximum penalties (and minimum penalties for willful/repeat violations) to the corresponding OSHA maximum and minimum penalty levels, with annual adjustments for inflation.²

- HB 2120 also amended A.R.S. § 23–414 to authorize adoption of an Emergency Temporary Standard (“ETS”) when either the ICA *OR* OSHA deems the grave danger criteria met.

- Arizona adopted the recordkeeping and COVID–19 log requirements in OSHA’s COVID–19 Healthcare ETS as a permanent standard on February 17, 2022.

(Document ID 0228, pp. 2–3).

Additionally, ICA and ADOSH clarified that Arizona had adopted the two NEPs that OSHA had specifically identified as not yet adopted by the State Plan in the proposal, *i.e.*, the NEP on Amputations in Manufacturing Industries, CPL 03–00–022 (adoption due June 10, 2020), and the NEP on Respirable Crystalline Silica, CPL 03–00–023 (adoption due August 4, 2020) (Document ID 0228, pp. 29–30). As to the NEP on Amputations in Manufacturing Industries, ICA and ADOSH stated that Arizona adopted the updated NEP on April 20, 2022 (Document ID 0228, p. 30). And, as to the NEP on Respirable Crystalline Silica, ICA and ADOSH stated that Arizona did not send the NEP implementation documentation to OSHA until April 20, 2022, but actual adoption was accomplished in June 2020 (Document ID 0228, p. 28).

Further, ICA and ADOSH responded to OSHA’s concerns regarding Arizona’s

failure to provide OSHA with the required documentation of adoption of certain measures, as required by statute and regulations. For example, although ICA and ADOSH do not appear to dispute that Arizona failed to timely provide OSHA with documentation of adoption of the NEP on Trenching and Excavation, they asserted that Arizona began conducting inspections under the NEP on Trenching and Excavation as early as May 7, 2019, indicating that the NEP had, in fact, been adopted and implemented shortly after the adoption deadline (Document ID 0228, pp. 29–30). OSHA has reviewed its records alongside ICA and ADOSH’s comment and finds that (with one minor exception) all of the ICA and ADOSH assertions described in this Notice are accurate.³

As noted above, ICA and ADOSH submitted their comment on the last day of the comment period. Moreover, as noted above, HB 2120, the bill that addressed issues related to maximum penalties and Arizona’s authority to adopt an ETS, was not signed into law until July 6, 2022, the day after the comment period closed. Because the information provided in the ICA and ADOSH comment suggests that Arizona has taken steps to address items that were fundamental to OSHA’s decision to propose revocation of Arizona’s final approval (87 FR 23785–87), OSHA is reopening the comment period on a limited basis to allow stakeholders to submit additional comments. Specifically, OSHA invites stakeholders to submit comments on the actions referenced in ICA and ADOSH’s July 5, 2022, comment and any impact those actions should have on OSHA’s proposed revocation of the State Plan’s final approval. In particular, stakeholders who previously submitted comments should note in any new comments whether they wish to revise or withdraw any portion of their previously-submitted comments. Following the reopened comment period, OSHA will consider any supplemental comments received, in addition to comments already received, as it makes decisions regarding future proceedings and whether to finalize its proposal to revoke final approval of the Arizona State Plan.

II. Postponement of Informal Hearing

In its April 21, 2022, publication, OSHA explained that any interested person could request an informal

hearing concerning the proposed revocation (87 FR at 23783). OSHA indicated it would hold such a hearing if the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) found that substantial objections had been filed (*Id.*). To allow for this possibility, the agency tentatively scheduled an informal public hearing on the proposal, beginning August 16, 2022 (*Id.*).

In light of the reopening of the comment period, OSHA is postponing the public hearing scheduled to begin on August 16. Before making any decisions about future proceedings, OSHA will review all of the comments on the proposal, including any comments submitted during the reopening of the comment period. Thus, any further decisions about the scheduling of a hearing are in abeyance until that time. Announcements about any future hearing dates will be published by notice in the **Federal Register**.

III. Public Participation

The Assistant Secretary’s decision whether to continue or revoke the Arizona State Plan’s final approval will be made after careful consideration of all relevant information presented in this rulemaking (29 CFR 1902.52(a)). To aid the Assistant Secretary in making this decision, OSHA is soliciting public participation in this process. Interested parties are encouraged to submit comments on the actions referenced in ICA’s July 5, 2022, comment and any impact those actions should have on OSHA’s proposed revocation of the State Plan’s final approval.

Notice in the State of Arizona: Arizona is required to publish reasonable notice of the contents of this **Federal Register** notice within the State no later than 10 days following the date of publication of this notice (29 CFR 1902.49(a)).

Written comments: OSHA invites interested persons to submit written data, views, and comments with respect to the topics identified above. When submitting comments, persons must follow the procedures specified above in the sections titled **DATES** and **ADDRESSES**. Submissions must clearly identify the issues addressed and the positions taken. Stakeholders that previously submitted comments should note in any new comments whether they wish to revise or withdraw any portion of their previously submitted comments as the agency makes decisions regarding future proceedings and whether to finalize its proposal to revoke the Arizona State Plan’s final approval. Comments received by the end of the specified

¹ OSHA’s records reflect that Arizona has now completed this process. Consequently, it has adopted all three of these final rules.

² Arizona’s governor signed H.B. 2120 into law on July 6, 2022 (see <https://apps.azleg.gov/BillStatus/BillOverview/76526>).

³ OSHA’s records reflect that Arizona sent documentation of the adoption of the NEP on Respirable Crystalline Silica on May 26, 2022, not April 20, 2022.

comment period will become part of the record and will be available for public inspection and, where permissible, copying at the OSHA Docket Office, as well as online at www.regulations.gov (Docket Number OSHA–2021–0012).

Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC authorized the preparation of this document under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 8–2020 (85 FR 58393 (Sept. 18, 2020)), and 29 CFR parts 1902, 1952, 1953, 1954, and 1955.

Signed at Washington, DC.

Douglas L. Parker,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17507 Filed 8–11–22; 11:15 am]

BILLING CODE 4510–26–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3030

[Docket No. RM2022–12; Order No. 6244]

Application for Waiver of Workshare Discount

AGENCY: Postal Regulatory Commission.

ACTION: Application for waiver; comment request.

SUMMARY: The Commission is acknowledging a Postal Service application for waiver pursuant to Commission regulations as it relates to a workshare discount. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 16, 2022.

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

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

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Background

III. Application for Waiver

IV. Notice and Comment

V. Ordering Paragraphs

I. Introduction

On August 8, 2022, the Postal Service filed an application for waiver pursuant to 39 CFR 3030.286 requesting that the Commission waive the applicability of 39 CFR 3030.283 for the workshare discount associated with USPS Marketing Mail Carrier Route Flats dropshipped at the Destination Delivery Unit (DDU) in the next rate adjustment filing.¹

II. Background

Pursuant to 39 CFR 3030.283, a workshare discount proposed by the Postal Service in any rate adjustment filing that exceeds the cost avoided must either be associated with a new postal service, a change to an existing postal service, or a new workshare initiative; be at least a 20 percent decrease from the existing workshare discount; or provided in connection with a subclass of mail, consisting exclusively of mail matter of educational, cultural, scientific, or informational value (39 U.S.C. 3622(e)(2)(C)) and is in compliance with 39 CFR 3030.285(c).²

If the proposed workshare discount does not comply with the limitations of 39 CFR 3030.283, the Postal Service must file an application for waiver pursuant to 39 CFR 3030.286. *See* 39 CFR 3030.283(d); 39 CFR 3030.286. The Postal Service's waiver application must be supported by a preponderance of the evidence and demonstrate that a waiver from the limitations imposed by 39 CFR 3030.283 should be granted. *See* 39 CFR 3030.286(b). The Postal Service must include the grounds for a waiver, including all relevant supporting analysis; the length of time the waiver will be necessary; for each subsequent rate adjustment filing planned to occur during the length of time for which a waiver is sought, a representation of the proposed minimum amount of the change to the workshare discount; and any other relevant information. *See also* 39 CFR 3030.286(c)(1) through (3) and (8). Grounds for waiver for an excessive workshare discount and the required

¹ United States Postal Service Application for a Waiver Under 39 CFR 3030.286, August 8, 2022 (Application). The Postal Service's Application is accompanied by a Statement in Support of Waiver Application (Supporting Statement).

² *See* 39 CFR 3030.283. The relationship between workshare discounts and avoided costs is usually expressed as a percentage called a passthrough, which is calculated by dividing the discount by the avoided cost. Workshare discounts with passthroughs above 100 percent are considered excessive workshare discounts.

accompanying information are set forth in 39 CFR 3030.286(c)(4) through (7).³

III. Application for Waiver

The Postal Service requests a waiver of 39 CFR 3030.283 for the workshare discount associated with USPS Marketing Mail Carrier Route Flats dropshipped at the DDU in the next rate adjustment proceeding to be filed no sooner than October 7, 2022. Application at 1. The Postal Service states that the methodology used in calculating passthroughs for USPS Marketing Mail flat-shaped pieces results in volatile passthrough percentages, making compliance with 39 CFR 3030.283 difficult. Application, Supporting Statement at 3. It further states that, to overcome this volatility and comply with 39 CFR 3030.283, would require irrational pricing. *Id.* at 6–7. The Postal Service illustrates this issue in a worksheet that accompanies the Supporting Statement. *Id.* at 7; *see also* Excel file “RM2022–12 Waiver.xlsx.”

The Postal Service maintains that its waiver request should be granted for three reasons. First, the Postal Service intends to “seek approval of prices that will minimize non-compliance and its consequences” and would be limited to the passthrough for USPS Marketing Mail Carrier Route Flats pieces dropshipped at the DDU. Application, Supporting Statement at 8. Furthermore, it states that, because the volume of these pieces is relatively low, “the cost of [] non-compliance is only approximately, \$200,000. . . and that amount will inure to the benefit of the mailers in any event.” *Id.* Second, the Postal Service maintains that compliance with 39 CFR 3030.283 would require irrational pricing due to “happenstance,” and not “the result of any failure of effort, planning, or implementation by the Postal Service.” *Id.* at 8–9. Finally, the Postal Service believes additional waivers of this nature for USPS Marketing Mail Flats will not be necessary beyond the next rate adjustment proceeding. *Id.* at 9. This is because the Postal Service is “investigating structural changes in [the] pricing of flat- and parcel-shaped pieces leading to a simplified methodology in the calculation of passthroughs.” *Id.*

³ Grounds for waiver for an excessive cost workshare discount relate to rate shock; the impediment of efficient postal operations; a loss of volume in the affected category of mail and a reduction in the aggregate contribution to the Postal Service's institutional costs from the mail that is subject to the discount; and non-compensatory products. *See* 39 CFR 3030.286(c)(4) through (7).

For these reasons, the Postal Service seeks to set the workshare discount associated with USPS Marketing Mail Carrier Route Flats pieces dropshipped at the DDU above the avoided costs such that the workshare discount's passthrough is 105.0 percent. *Id.* at 8.

IV. Notice and Comment

The Commission establishes Docket No. RM2022–12 for consideration of matters raised by the Application. More information on the Application may be accessed via the Commission's website at <https://www.prc.gov>. Interested persons may submit comments on the Application no later than August 16, 2022. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

V. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2022–12 for consideration of the matters raised by the United States Postal Service Application for a Waiver Under 39 CFR 3030.286, filed August 8, 2022.

2. Comments by interested persons in this proceeding are due no later than August 16, 2022.

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

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

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2022–17417 Filed 8–12–22; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0554; FRL–9187–01–R4]

Air Plan Approval; North Carolina; Miscellaneous Emission Control Standards Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve

changes to the North Carolina State Implementation Plan (SIP), submitted by the State of North Carolina through the North Carolina Department of Environmental Quality (NCDEQ), Division of Air Quality (DAQ), through a letter dated April 13, 2021. This SIP revision includes changes to a subset of NCDEQ's regulations regarding emission control standards. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before September 14, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2021–0554 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www2.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Febres can be reached via electronic mail at febres-martinez.andres@epa.gov or via telephone at (404) 562–8966.

SUPPLEMENTARY INFORMATION:

I. What action is EPA proposing?

EPA is proposing to approve certain changes to North Carolina's SIP that were provided to EPA through NCDEQ via a letter dated April 13, 2021, and related to North Carolina's 15A North Carolina Administrative Code (NCAC) Subchapter 02D, Section .0500, *Emission Control Standards*.¹

¹ EPA notes that the April 13, 2021, submittal was received by EPA on April 14, 2021.

Specifically, EPA is proposing approval of changes to 15A NCAC 02D Sections .0516, *Sulfur Dioxide Emissions from Combustion Sources*; .0517, *Emissions from Plants Producing Sulfuric Acid*; .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions*; and .0533, *Stack Height*.^{2,3} The changes to these sections, as well as EPA's analysis of the changes, is discussed in the following sections.

II. EPA's Analysis of the State's Submittal

A. Rule 15A NCAC 02D .0516

Rule 02D .0516, *Sulfur Dioxide Emissions from Combustion Sources*, includes minor grammatical edits to paragraph .0516(a) by removing the words “that is”, as well as a rewording of paragraph .0516(b) for clarity. In addition, North Carolina removes a reference to Rules 02D .1205 and .1211 from paragraph .0516(b), which originally excluded large municipal waste combustors and other solid waste incineration units, respectively, from complying with the requirements of rule .0516. These two references were removed because the two rules were State-only rules that have since been repealed, effective July 1, 2018.⁴

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and maintenance of the national ambient air quality standards (NAAQS) or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to the North Carolina SIP.

B. Rule 15A NCAC 02D .0517

Rule 0517, *Emissions from Plants Producing Sulfuric Acid*, contains very minor typographical edits, such as substituting parentheses for commas, and edits for clarity, such as adding an “and” between two requirements that both must be met.

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and

² EPA received several revisions to the North Carolina SIP through the same April 13, 2021, cover letter. This proposed rulemaking only addresses the revisions identified within this notice. EPA may act on the remaining revisions, including certain 02D Section .0500 rules not considered in this proposed action, in separate rulemakings.

³ On February 22, 2022, and July 6, 2022, North Carolina submitted letters to EPA withdrawing the changes to Rule 15A NCAC 02D .0532 and .0527, respectively, from EPA's consideration. For this reason, EPA will not act on these changes to Rule .0532 or .0527. Both letters can be found in the docket for this proposed action.

⁴ See NCDAQ's website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules/control-emissions-from-incinerators>.

maintenance of the NAAQS or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes into the North Carolina SIP.

C. Rule 15A NCAC 02D .0519

Rule .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions*, includes, among other minor edits, a change in paragraph .0519(a) to address a typographical error. Specifically, North Carolina is correcting the previous reference to “sulfuric” acid, to instead reference to “nitric” acid. A reference to sulfuric acid in paragraph .0519(a) did not make sense in the context of this rule, as Rule .0519 is specific to emissions from nitrogen sources (*i.e.* nitrogen dioxide and nitrogen oxide). With sulfuric acid, calculations using the equation in .0519(c) would not function for the purpose of comparing boiler emissions to the nitrogen dioxide emissions limit found in .0519(a).

Additionally, an incorrect reference to paragraph .0519(a), in paragraph (d) of this rule, was changed to instead reference paragraph .0519(b). This is a typographical correction because the provisions in paragraph .0519(d) are regarding nitrogen oxide emissions from boilers, which would fall under paragraph (b) of this rule, whereas paragraph .0519(a) refers to nitrogen dioxide emissions from nitric acid manufacturing plants.

Paragraph .0519(c) was revised to clarify the units that are subject to the emissions limit calculation of this paragraph. The changes clarify that .0519(c) applies to boilers “burning coal, oil, or gas in combination” which would mean any combination of these three fuel types.

The remaining changes to Rule .0519 are clarifying in nature. For example, an “or” is added to .0519(b)(1) to clarify that there are two separate emissions standards that apply to different types of boilers; an equation is reformatted in .0519(c); and .0519(d) is rephrased for clarity, including identification of the cross-referenced rules.

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and maintenance of the NAAQS or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to the North Carolina SIP.

D. Rule 15A NCAC 02D .0533

Rule 0533, *Stack Height*, includes only minor grammatical and formatting changes that do not alter the meaning of the provisions. Specifically, Rule .0533

reorders the definitions for “Stack”, “Good engineering practice (GEP)”, “Nearby,” and “Emission limitation” to reformat the rule alphabetically. In addition, minor changes are made throughout Rule .0533 to update citations; make minor grammatical corrections that do not alter the meaning of the provisions (*e.g.*, removing “actually” from .0533(a)(5)(B)); and add clarity (*e.g.*, adding an “and” between two definitions that apply to different situations in .0533(a)(6)(A) and adding the word “shall” in .0533(a)).

EPA has preliminarily determined that these changes to the SIP will not interfere with attainment and maintenance of the NAAQS or any other applicable requirement of the Act. Therefore, EPA is proposing to approve the aforementioned changes to the North Carolina SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include, in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, and as described in Section I and II of this preamble, EPA is proposing to incorporate by reference 15A NCAC Subchapter 02D, Section .0516, *Sulfur Dioxide Emissions from Combustion Sources*; Section .0517, *Emissions from Plants Producing Sulfuric Acid*; Section .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions*; and Section .0533, *Stack Height*, all state effective on November 1, 2020. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the April 13, 2021, SIP revision to incorporate various changes to a subset of North Carolina’s emission control standards provisions into the SIP. Specifically, EPA is proposing to approve changes to 15A NCAC 02D Sections .0516, *Sulfur Dioxide Emissions from Combustion Sources*; .0517, *Emissions from Plants Producing Sulfuric Acid*; .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions*; and .0533, *Stack Height*. EPA is proposing to approve these changes for the reasons discussed above.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 1, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

[FR Doc. 2022–16906 Filed 8–12–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R9–OAR–2022–0501; FRL–10106–01–R9]

Determination of Attainment by the Attainment Date but for International Emissions for the 2015 Ozone National Ambient Air Quality Standard; Imperial County, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or “Agency”) is proposing to determine that the Imperial County nonattainment area would have attained the 2015 ozone national ambient air quality standard (NAAQS) by the August 3, 2021 “Marginal” area attainment date, but for emissions emanating from outside the United States. If we finalize this proposed action, the Imperial County nonattainment area would no longer be subject to the Clean Air Act (CAA) requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Marginal nonattainment area for the 2015 ozone NAAQS. This action, when finalized, will fulfill the EPA’s statutory obligation to determine whether the Imperial County ozone nonattainment area attained the NAAQS by the attainment date.

DATES: Comments must be received on or before September 14, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2022–0501 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish

any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Ginger Vagenas, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 972–3964; email address: vagenas.ginger@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” or “our” refer to the EPA.

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I. Background**A. 2015 Ozone National Ambient Air Quality Standard and Area Designations**

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and non-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to ground-level ozone pollution. Exposure to ozone can harm the respiratory system (the upper airways and lungs), can aggravate asthma and other lung diseases, and is linked to premature death from respiratory causes. People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers.¹

Under CAA section 109, the EPA promulgates NAAQS (or “standards”) for pervasive air pollutants, such as ozone. The EPA has previously promulgated NAAQS for ozone in 1979, 1997, and 2008.² On October 26, 2015, the EPA revised the NAAQS for ozone to establish a new 8-hour standard.³ In that action, the EPA promulgated identical revised primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 parts per million (ppm).⁴ Specifically, the standard requires that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (*i.e.*, the design value) may not exceed 0.070 ppm.⁵ When the design value does not exceed 0.070 ppm at each ambient air quality monitoring

¹ EPA Fact Sheet—Ozone and Health, available at <https://www.epa.gov/sites/default/files/2016-04/documents/20151001healthfs.pdf> and in the docket for this action.

² 44 FR 8202 (February 8, 1979), 62 FR 38856 (July 18, 1997), and 73 FR 16436 (March 27, 2008).

³ 80 FR 65452.

⁴ Because the 2015 primary and secondary NAAQS for ozone are identical, for convenience, the EPA refers to them in the singular as “the 2015 ozone NAAQS” or as “the standard.”

⁵ A design value is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine compliance with the standard. The design value for the 2015 ozone NAAQS is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. The design value is calculated for each air quality monitor in an area and the area’s design value is the highest design value among the individual monitoring sites in the area.

site within the area, the area is deemed to be attaining the ozone NAAQS.⁶

Section 107(d) of the CAA provides that when the EPA promulgates a new or revised NAAQS, the Agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or is contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively. Subpart 2 of part D of title I of the CAA governs the classification, state planning, and emissions control requirements for any areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) also requires the EPA to classify each ozone nonattainment area at the time of designation, based on the extent of the ozone problem in the area (based on the area's design value). Classifications for ozone nonattainment areas range from "Marginal" to "Extreme." CAA section 182 provides the specific attainment planning and additional requirements that apply to each ozone nonattainment area based on its classification. CAA section 182, as interpreted in the EPA's implementing regulations at 40 CFR 51.1308 through 51.1317, also establishes the timeframes by which air agencies must submit and implement SIP revisions to satisfy the applicable attainment planning elements, and the timeframes by which nonattainment areas must attain the 2015 ozone NAAQS.

Effective on August 3, 2018, the EPA designated 52 areas throughout the country, including Imperial County, California, nonattainment for the 2015 ozone NAAQS.⁷ In a separate action, the EPA assigned classification thresholds and attainment dates based on the severity of each nonattainment area's ozone problem, determined by the area's design values and classified the Imperial County nonattainment area as Marginal.⁸ The EPA established the attainment date for Marginal ozone nonattainment areas as three years from the effective date of the final

⁶ The data handling convention in 40 CFR 50, appendix U dictates that concentrations shall be reported in "ppm" to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.

⁷ 83 FR 25776 (June 4, 2018). The EPA later designated the San Antonio area as a 2015 ozone NAAQS nonattainment area effective September 24, 2018. 83 FR 35136 (July 25, 2018).

⁸ 83 FR 10376 (March 9, 2018), effective May 8, 2018.

designations. Thus, the attainment date for Marginal nonattainment areas for the 2015 ozone NAAQS was August 3, 2021.

B. Clean Air Act Requirements for Marginal Ozone Nonattainment Areas

The list of applicable requirements for ozone nonattainment areas classified as Marginal includes a submission that meets the baseline emissions inventory, source emission statements, and nonattainment new source review program requirements. The California Air Resources Board (CARB) has provided submittals to the EPA for the Imperial County nonattainment area addressing these requirements for the 2015 ozone NAAQS, and the EPA has proposed to approve them.⁹

Transportation and general conformity apply within the Imperial County 2015 ozone NAAQS nonattainment area under section 176(c) of the CAA and the federal regulations for transportation conformity (40 CFR 93 subpart A) and general federal actions (40 CFR 93 subpart B). This action, if finalized, would not affect the applicability of these regulations within Imperial County.

As described in the 2015 Ozone NAAQS Implementation Rule, section 182(a) of the CAA does not require states to implement reasonably available control measures (RACM) or reasonably available control technology (RACT) in Marginal ozone nonattainment areas, and nothing in section 179B alters the statutory requirements with respect to RACM/RACT obligations in subpart 2.¹⁰

C. Requirement for Determination of Attainment of the 2015 Ozone National Ambient Air Quality Standard

Section 181(b)(2)(A) of the CAA requires that within 6 months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's design value as of that date. If the EPA determines that an area failed to attain, CAA section 181(b)(2)(A) requires the area to be reclassified by operation of law to the higher of: (1) the next higher classification for the area, or (2) the classification applicable to the area's design value as of the determination of

⁹ Our proposed approvals of the District's baseline emissions inventory, emissions statement rule, and nonattainment new source review certification for the 2015 ozone NAAQS are at 86 FR 54887 (October 5, 2021), 86 FR 70996 (December 14, 2021), and 87 FR 22163 (April 14, 2022), respectively. We finalized our approval of the emissions statement rule on July 29, 2022 (87 FR 45657).

¹⁰ 83 FR 62998, 63010 (December 6, 2018).

failure to attain.¹¹ Section 181(b)(2)(B) of the CAA requires the EPA to publish the determination of failure to attain and accompanying reclassification in the **Federal Register** no later than 6 months after the attainment date, which in the case of the Imperial County nonattainment area, was February 3, 2022.

The EPA's proposed determination that Imperial County would have attained the 2015 ozone standard but for international emissions is based in part upon data that have been collected and quality-assured by CARB and the Imperial County Air Pollution Control District (APCD) in accordance with 40 CFR part 58 and recorded in the EPA's Air Quality System (AQS) database.¹² Ambient air quality monitoring data for the 3-year period preceding the attainment date (2018–2020 for the 2015 ozone NAAQS Marginal areas) must meet the data completeness requirements in Appendix U.¹³ The completeness requirements are met for the 3-year period at a monitoring site if daily maximum 8-hour average concentrations of ozone are available for at least 90 percent of the days within the ozone monitoring season, on average, for the 3-year period, and no single year has less than 75 percent data completeness.

For areas such as Imperial County classified as Marginal nonattainment for the 2015 ozone NAAQS, the attainment date was August 3, 2021.¹⁴ Because the design value is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31st of the year prior to the attainment date (*i.e.*, December 31, 2020, in the case of Marginal nonattainment areas for the 2015 ozone NAAQS). Consequently, the EPA's proposed action for the Imperial County

¹¹ If the EPA were to determine that the Imperial County nonattainment area failed to attain by the attainment date, it would be classified to the next highest classification of Moderate. The reclassified area would then be subject to the Moderate area requirement to attain the 2015 ozone NAAQS as expeditiously as practicable, but not later than August 3, 2024.

¹² The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, state, local, and tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data are used to (1) assess air quality, (2) assist in attainment/non-attainment designations, (3) evaluate SIPs for non-attainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at <https://www.epa.gov/aqs>.

¹³ 40 CFR part 50, appendix U, § 4(b).

¹⁴ The San Antonio, Texas area has an attainment date of September 24, 2021.

nonattainment area is based upon the complete, quality-assured, and certified ozone monitoring data from calendar years 2018, 2019, and 2020. The design value for this period is 0.078 ppm, indicating that the Imperial County nonattainment area did not attain the 2015 ozone NAAQS by its August 3, 2021 attainment date.¹⁵

D. International Transport and Requirements for Clean Air Act Section 179B

CAA section 179B(b) provides that where a state demonstrates to the Administrator's satisfaction that an ozone nonattainment area would have attained the NAAQS by the applicable attainment date but for emissions emanating from outside the United States (U.S.), that area shall not be subject to the mandatory reclassification provision of CAA section 181(b)(2).¹⁶ In the event an air agency does not demonstrate to the EPA's satisfaction that it would have attained the NAAQS but for international emissions, it will be reclassified to the next higher classification.

Anthropogenic emissions sources outside of the U.S. can affect to varying degrees the ability of some air agencies to attain and maintain the 2015 ozone NAAQS in areas within their jurisdiction. In a nonattainment area affected by international emissions, an air agency may elect under CAA section 179B to develop and submit to the EPA a demonstration intended to show that a nonattainment area would attain, or would have attained, the relevant NAAQS by the applicable statutory attainment date "but for" emissions emanating from outside the U.S.¹⁷ Under CAA section 179B, the EPA evaluates such demonstrations, and if it agrees with the air agency's demonstration, the EPA considers the impacts of international emissions in taking specific regulatory actions.

CAA section 179B provides the EPA with authority to consider impacts from international emissions in two contexts: (1) a "prospective" state demonstration submitted as part of an attainment plan,

which the EPA considers when determining whether the SIP adequately demonstrates that a nonattainment area will attain the NAAQS by its future attainment date (CAA section 179B(a)); or (2) a "retrospective" state demonstration, which the EPA considers after the attainment date in determining whether a nonattainment area attained the NAAQS by the attainment date (CAA section 179B(b)–(d)).

First, CAA section 179B(a) provides that, "[N]otwithstanding any other provision of law, an implementation plan or plan revision required under this chapter shall be approved by the Administrator if (1) such plan or revision meets all the requirements applicable to it . . . other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this chapter, or in a regulation promulgated under such provision, and (2) the submitting state establishes to the satisfaction of the Administrator that the implementation plan of such state *would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date . . . but for emissions emanating from outside of the United States,*" (emphasis added). The EPA refers to CAA section 179B(a) demonstrations as "prospective" demonstrations because they are intended to assess future air quality, taking into consideration the impact of international emissions. Thus, if the EPA approves a prospective demonstration, the state is relieved from the requirement to demonstrate that the nonattainment area will attain the NAAQS by the applicable attainment date.¹⁸

Second, CAA section 179B(b) provides that, for ozone nonattainment areas, "[n]otwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that . . . such State *would have attained* the national ambient air quality standard . . . by the applicable attainment date but for emissions emanating from outside of the

United States," (emphasis added) shall not be subject to reclassification to a higher classification category by operation of law, as otherwise required in CAA section 181(b)(2).¹⁹ The EPA refers to demonstrations developed under CAA section 179B(b) as "retrospective" demonstrations because they involve analyses of past air quality (e.g., air quality data from the year evaluated for determining whether an area attained by the attainment date). Thus, an EPA-approved retrospective demonstration provides relief from reclassification that would have resulted from the EPA determining that the area failed to attain the NAAQS by the relevant attainment date.

Irrespective of whether developing and submitting a prospective or retrospective demonstration, states still must meet all nonattainment area requirements applicable for the relevant NAAQS and area classification. The 2015 Ozone NAAQS Implementation Rule did not include regulatory requirements specific to CAA section 179B but did provide guidance on certain points. In the preamble to the rule, the EPA confirmed that: (1) only areas classified Moderate and higher must show that they have implemented reasonably available control measures and reasonably available control technology (RACM/RACT); (2) CAA section 179B demonstrations are not geographically limited to nonattainment areas adjoining an international border; and, (3) a state demonstration prepared under CAA section 179B can consider emissions emanating from sources in North America (*i.e.*, Canada or Mexico) or sources on other continents.²⁰ In the preamble to that rule, the EPA encouraged air agencies to consult with the appropriate EPA regional office to determine technical requirements for the CAA section 179B demonstrations. In addition, the EPA noted its development of supplementary technical information and guidance to assist air agencies in preparing demonstrations that meet the requirements of CAA section 179B.

The EPA issued more detailed guidance regarding CAA section 179B on December 18, 2020, that includes recommendations to assist state, local, and tribal air agencies that intend to

¹⁵ EPA Evaluation of the Clean Air Act Section 179B(b) Demonstration for the Imperial County Marginal Ozone Nonattainment Area," available in the docket for this rulemaking.

¹⁶ Note that the statute cites 42 U.S.C. 7511(a)(2), but that provision establishes ozone attainment deadlines for severe areas under the 1-hour standard. The EPA has long interpreted the citation in CAA section 179B(b) to be a scrivener's error that was supposed to refer to 42 U.S.C. 7511(b)(2), which refers to consequences for failure to attain by the attainment date.

¹⁷ All references to CAA section 179B are to 42 U.S.C. 7509a. International border areas, as added Public Law 101–549, title VIII, § 818, 104 Stat. 2697 (November 15, 1990).

¹⁸ Section 182(a) of the CAA, which describes nonattainment area requirements for ozone Marginal areas, states that the requirements of section 182(a) "shall apply in lieu of any requirement that the State submit a demonstration that the applicable implementation plan provides for attainment of the ozone standard by the applicable attainment date in any Marginal Area." In other words, there is no prospective relief that can be granted by the EPA under section 179B(a) for ozone nonattainment areas classified as Marginal.

¹⁹ The EPA's longstanding view is that CAA section 179B(b) contains an erroneous reference to section 181(a)(2), and that Congress actually intended to refer here to section 181(b)(2), which addresses reclassification requirements for ozone nonattainment areas. See "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498, 13569, footnote 41 (April 16, 1992).

²⁰ 83 FR 62998, 63009.

develop a CAA section 179B demonstration (“179B Guidance”).²¹ The 179B Guidance describes and provides examples of the kinds of information and analyses that the EPA recommends air agencies consider for inclusion in a CAA section 179B demonstration.

In the 179B Guidance, the EPA confirmed that while approval of a CAA section 179B demonstration provides specific forms of regulatory relief for air agencies, the EPA’s approval does not relieve air agencies from obligations to meet the remaining applicable planning or emission reduction requirements in the CAA. It also does not provide a basis either for excluding air monitoring data influenced by international transport from regulatory determinations related to attainment and nonattainment, or for redesignating an area to attainment. If an air agency is contemplating a CAA section 179B demonstration in either the CAA section 179B(a) “prospective” context or the CAA section 179B(b) “retrospective” context, the EPA encourages communication throughout the demonstration development and submission process, along the lines of these basic steps: (1) the air agency contacts its EPA Regional office to discuss CAA section 179B regulatory interests and conceptual model; (2) the air agency begins gathering information and developing analyses for a demonstration; (3) the air agency submits a draft CAA section 179B demonstration to its EPA Regional office for review and discussion; and (4) the air agency submits its final CAA section 179B demonstration to the EPA. After that process is complete, the EPA makes a determination as to the sufficiency of the demonstration after a public notice and comment process. The EPA may act on a prospective demonstration when taking action on an area’s attainment plan. For a retrospective demonstration, the EPA may determine its adequacy when taking action to determine whether the area attained by the attainment date and is subject to reclassification.

The EPA’s consideration of the CAA section 179B demonstrations submitted by states in connection with reclassification of ozone nonattainment areas is governed by CAA section

179B(b).²² Pursuant to that provision, the state must establish “to the satisfaction of the Administrator that, with respect to [the relevant] ozone nonattainment area in such State, such State would have attained the [2015 ozone NAAQS] by the applicable attainment date, but for emissions emanating from outside of the United States” Because the wording in CAA section 179B(b) is in the past tense, it is reasonable for the EPA to conclude that such demonstrations should be retrospective in nature. In other words, the demonstration should include analyses showing that the air quality data on specific days in the time period used to assess attainment were affected by international emissions to an extent that prevented the area from attaining the standard by the attainment date.²³ By definition, states can only make such a demonstration after air quality data collected pursuant to federal reference or equivalent monitoring methods are certified and indicate that the area failed to attain by the attainment date. Where the EPA approves a state’s CAA section 179B(b) retrospective demonstration, the area retains its nonattainment designation and is still subject to all applicable requirements for the area’s current classification, but is not subject to the applicable requirements for any higher classification.^{24 25}

The CAA does not specify what technical analyses would be sufficient to demonstrate “to the satisfaction of the Administrator” that a “State would have attained the [NAAQS for the pollutant in question] by the applicable attainment date, but for” international emissions. The EPA recognizes that the relationship between certain NAAQS exceedances and associated international transport is clearer in some cases than in others. The following characteristics would suggest

²² The regulatory relief a state would receive from a satisfactory prospective CAA section 179B(a) demonstration is limited to approval of an attainment plan that does not demonstrate attainment and maintenance of the relevant NAAQS, but meets all other applicable requirements. CAA section 179B(a) is not germane to this proposal.

²³ 179B Guidance, 15–16.

²⁴ *Id.* at 3.

²⁵ As we noted in our 179B Guidance, an air agency with a Marginal ozone nonattainment area that is affected by international emissions may wish to evaluate whether implementing emission reduction measures on domestic sources in the nonattainment area can bring the area into attainment because, until the area attains the NAAQS and the EPA approves an air agency submission addressing the redesignation criteria of CAA section 107(d)(3)(E), the area will continue to be subject to nonattainment area requirements, including nonattainment new source review. *Id.* at 17.

the need for a more detailed demonstration with additional evidence: (1) affected monitors are not located near an international border; (2) specific international sources and/or their contributing emissions are not identified or are difficult to identify; (3) exceedances on internationally influenced days are in the range of typical exceedances attributable to local sources; and (4) exceedances occurred in association with other processes and sources of pollutants, or on days where meteorological conditions were conducive to local pollutant formation (e.g., for ozone, clear skies and elevated temperatures). Therefore, CAA section 179B demonstrations for non-border areas may involve additional technical rigor, analyses and resources compared to demonstrations for border areas.

Given the extensive number of technical factors and meteorological conditions that can affect international transport of air pollution, and the lack of specific guidance in the Act, the EPA evaluates CAA section 179B demonstrations based on the weight of evidence of all information and analyses provided by the air agency. The appropriate level of supporting documentation will vary on a case-by-case basis depending on the nature and severity of international influence, as well as the factors identified above. The EPA considers and qualitatively weighs all evidence based on its relevance to CAA section 179B and the nature of international contributions as described in the demonstration’s conceptual model. Every demonstration should include fact-specific analyses tailored to the nonattainment area in question. When a CAA section 179B demonstration shows that international contributions are larger than domestic contributions, the weight of evidence will be more compelling than if the demonstration shows domestic contributions exceeding international contributions. In contrast, when a CAA section 179B demonstration shows that international emissions have a lower contribution to ozone concentrations than domestic emissions, and/or international transport is not significantly different on local exceedance days compared to non-exceedance days, then the weight of evidence will not be supportive of a conclusion that a nonattainment area would attain or would have attained the relevant NAAQS by the statutory attainment date “but for” emissions emanating from outside the U.S.

In evaluating a CAA section 179B demonstration the EPA also considers what measures an air agency has implemented to control local emissions.

²¹ “Guidance on the Preparation of Clean Air Act Section 179B Demonstrations for Nonattainment Areas Affected by International Transport of Emissions” issued on December 18, 2020; available at https://www.epa.gov/sites/default/files/2020-12/documents/final_caa_179b_guidance_december_2020_with_disclaimer_ogc.pdf. The EPA also issued a notice of availability in the **Federal Register** on January 7, 2021 (86 FR 1107).

At a minimum, states are still subject to all requirements applicable to the area based on its nonattainment classification. For the EPA to concur with a state’s CAA section 179B retrospective demonstration, the weight of evidence should show the area could not attain with on-the-books measures and potential reductions associated with controls required for that particular NAAQS that are to be implemented by the attainment date. Because CAA section 179B does not relieve an air agency of its planning or control obligations, the air agency should show that it has implemented all required emissions controls at the local level as part of its demonstration.

II. Imperial County Ozone Determination of Attainment but for International Emissions

A. Imperial County Ozone Nonattainment Area

The Imperial County nonattainment area for the 2015 ozone standard includes the whole County, including lands of the Quechan Tribe of the Fort Yuma Indian Reservation and the Torres Martinez Desert Cahuilla Indians within the geographic boundary of Imperial County.²⁶ The County encompasses over 4,000 square miles in southeastern California. Its population is estimated to be approximately 180,000 people,²⁷ and its principal industries are farming and retail trade. It is bordered by Riverside County to the north, Arizona to the east,

Mexico to the south, and San Diego County to the west. The Imperial Valley runs north-south through the central part of the County and includes the County’s three most populated cities: Brawley, El Centro, and Calexico. Most of the County’s population and industries exist within this relatively narrow land area that extends about one-fourth the width of the County. The rest of Imperial County is primarily desert, with little or no human population.²⁸

B. Ozone Monitoring Sites in Imperial County

There are currently four ozone monitoring sites in Imperial County. Listed from south to north, the Imperial ozone monitoring sites are: Calexico-Ethel Street, El Centro-9th Street, Westmorland, and Niland.²⁹ The maximum 2020 design value for the County, based on certified monitoring data at the monitor located closest to the Mexico border (the Calexico-Ethel Street monitor), was 0.078 ppm. Calexico-Ethel Street is the only ozone monitor in Imperial County violating the 2015 ozone NAAQS of 0.070 ppm. The 2020 design value for the El Centro-9th Street monitor was 0.068 ppm, *i.e.*, attaining the 2015 ozone NAAQS. The design values for monitors farther from the border, Westmorland (0.058 ppm) and Niland (0.049 ppm), are invalid due to less than 90 percent data completeness for the three-year period and less than

75 percent completeness in calendar year 2020.³⁰

Tables 1 and 2 of this document list the 2016–2020 annual fourth highest daily maximum 8-hour average (“4th max”) and design values at the Imperial County ozone monitors. The Calexico-Ethel Street monitor, which is one mile from the border, consistently measures the highest 4th max concentration in each year; concentrations decrease as each monitor’s distance from the border increases. The 2019 design value, which is valid for all four sites, shows a similar relationship between concentration and distance from the border: 0.079 ppm at Calexico-Ethel Street, 0.072 ppm at El Centro-9th Street (9 miles from border), 0.061 ppm at Westmorland (26 miles from border), and 0.054 ppm at Niland (38 miles from border).

The Niland monitor design value has been consistently below 0.070 ppm since 2016. In addition, the valid design values and complete yearly 4th maxes at Niland have been consistently lower than the El Centro-9th Street and Calexico-Ethel Street monitors in the past five years. The Westmorland monitor started operation in July 2015; the only valid Westmorland monitor design value, in 2019, was 0.061 ppm, below the 2015 ozone NAAQS of 0.070 ppm. In addition, the complete yearly 4th maxes at Westmorland have been consistently lower than the El Centro-9th Street and Calexico-Ethel Street monitors in the past five years.

TABLE 1—2015 OZONE NAAQS: 2016–2020 YEARLY 4TH MAX IMPERIAL COUNTY OZONE MONITORS

Site name	AQS site ID	Distance from border (miles)	4th max (ppm)				
			2016	2017	2018	2019	2020
Calexico-Ethel Street ...	06–025–0005	1	0.074	0.082	0.076	0.080	0.080
El Centro-9th Street	06–025–1003	9	^a 0.074	0.079	0.075	0.062	0.069
Westmorland	06–025–4003	26	0.063	0.063	0.061	0.059	^a 0.054
Niland	06–025–4004	38	0.062	0.057	0.051	0.054	^a 0.043

Source: Air Quality System (AQS) Design Value Report (AMP480), pulled December 3, 2021.
^a Incomplete; did not meet completeness threshold of 75% for an individual year.

TABLE 2—2015 OZONE NAAQS DESIGN VALUES IMPERIAL COUNTY OZONE MONITORS

Site name	AQS site ID	Design value (ppm)				
		2016	2017	2018	2019	2020
Calexico-Ethel Street	06–025–0005	0.076	0.077	0.077	0.079	0.078
El Centro-9th Street	06–025–1003	0.076	0.076	0.076	0.072	0.068
Westmorland	06–025–4003	^a 0.060	^a 0.061	^a 0.062	0.061	^a 0.058

²⁶ 40 CFR 81.305.

²⁷ U.S. Census Bureau, Population Estimates, July 1 2021, (V2021), <https://www.census.gov/quickfacts/imperialcountycalifornia>, accessed April 6, 2021.

²⁸ Maps showing stationary NO_x and VOC emission sources, vehicle traffic, and population density in Imperial County are included as Figures

A–1–A–3 in the EPA’s technical support document, which is included in the docket for this rulemaking.

²⁹ A map showing the ozone monitoring sites in Imperial County is included as Figure 4 in the EPA’s technical support document, which is included in the docket for this rulemaking.

³⁰ We note that the 2020 design values at Westmorland of 58 ppb and at Niland of 49 ppb are invalid because the average data completeness of 84

percent and 86 percent for the 2018–2020 period and 72 percent and 67 percent in 2020, respectively. These percentages are below the minimum completeness thresholds of 90 percent for the three-year period and 75 percent for an individual year, respectively. Air Quality System (AQS) Design Value Report (AMP480), pulled December 3, 2021, and 40 CFR part 50, App. U, section 4(b).

TABLE 2—2015 OZONE NAAQS DESIGN VALUES IMPERIAL COUNTY OZONE MONITORS—Continued

Site name	AQS site ID	Design value (ppm)				
		2016	2017	2018	2019	2020
Niland	06-025-4004	0.067	0.063	0.056	0.054	^a 0.049

Source:AQS Design Value Report (AMP480), pulled December 3, 2021.

^a Invalid because data are incomplete (did not meet minimum completeness thresholds of 90% for the three-year period).

C. Summary of the State’s Submission

On August 16, 2021, CARB submitted to the EPA for review its “Imperial County Clean Air Act Section 179B(b) Analysis for the 70 ppb 8-Hour Ozone Standard” (“Demonstration”). CARB submitted additional information on November 24, 2021. Using several lines of evidence, CARB evaluated whether, and the extent to which, ambient ozone levels in Imperial County would be affected by emissions emanating from northern Mexico. This evaluation includes a conceptual model of ozone formation in Imperial County including a discussion of the meteorological and topographic conditions that influence ozone formation; an analysis of the ozone design value trends in the County from 2000 to 2020; an emissions inventory analysis comparing ozone precursor emissions in Imperial County, California to those in the Mexicali Municipality in Mexico; an ambient observational analysis of back-trajectories examining whether there is an internationally influenced source-receptor relationship on ozone exceedance days in Imperial County; and a photochemical air quality modeling exercise estimating the contribution of cross-border, northern Mexico emissions to ozone design values in Imperial County.

1. Conceptual Model

CARB provided a conceptual model describing ozone formation in the Imperial County ozone nonattainment

area, which is located on the border of the United States and Mexico and encompasses all of Imperial County. Imperial County includes the northern portion of the Imperial Valley, which extends from the southern end of the Salton Sea southward into Mexico, where it becomes known as the Mexicali Valley. The valleys are bordered by mountains to the west and east, and on the south side by mountains south of the border to the southwest of Mexicali. These ranges channel airflow within the Imperial and Mexicali Valleys, without topographic features between, creating a shared binational air shed for the region. Imperial County experiences hot, dry weather and stagnation in the summer, which are conducive to ozone formation. Highest ozone concentrations are experienced between May through September and generally peak in the late afternoon. Ozone and ozone precursors are often transported to Imperial County by prevailing winds from Mexicali to the south, and to a lesser extent from other surrounding air basins.³¹

CARB provided trends in the ozone design values for the Calexico-Ethel Street, El Centro-9th Street, and Niland monitors, number of days with maximum daily 8-hour ozone values greater than 70 ppb within the nonattainment area, and Imperial County ozone precursor emissions from 2000–2020.³² The County’s maximum ozone design value across all monitors has decreased over the past two decades, along with a 60 percent

reduction in oxides of nitrogen (NO_x) and a 45% reduction in anthropogenic VOC emissions within Imperial County over that period.³³ The Calexico monitor’s design value trend, however, has been relatively flat when compared to the downward trend at the Niland and, more recently, at the El Centro monitors, which are farther from the border. From 2003 through 2015, El Centro had the highest design value of the three monitors for all design value periods except for two: Calexico and El Centro had the same design value in 2016, and from 2017–2020 Calexico had the highest design value.

2. Emissions Analysis for Imperial County and the Mexicali Municipality

CARB provided a table of 2018 ozone precursor emissions, shown in Table 3 of this document.³⁴ The emissions of both NO_x and VOC in the Mexicali Municipality are approximately four times larger than Imperial County emissions. These emissions do not include emissions originating in other parts of Mexico or elsewhere that could also affect ozone levels in Imperial County. CARB notes that while domestic emissions have decreased, the Mexicali emissions have increased. CARB also notes that the population of Mexicali Municipality grew from around 600,000 in the early 1990s to over 1.1 million in 2019 and that it has become an economic center for the region with a corresponding increase in emissions for the area.

TABLE 3—CARB’S 2018 IMPERIAL COUNTY AND MEXICALI MUNICIPALITY EMISSIONS INVENTORY [tons per day (tpd), summer planning inventory]^a

Source	Imperial county				City of Mexicali			
	NO _x (tpd)	NO _x (%)	VOC (tpd)	VOC (%)	NO _x (tpd)	NO _x (%)	VOC (tpd)	VOC (%)
Stationary	1.4	9	1.3	10	3.3	5	12.8	21
Area-wide	0.2	1	6.6	49	1.0	1	29.6	50

³¹ Demonstration, 2–5.

³² Id. at 4–6. CARB often states ozone concentrations in units of parts per billion (ppb). The form of the NAAQS in 40 CFR 50.15 is in ppm (parts per million). To convert from ppm to ppb, multiply ppm by 1000. Thus, e.g., 0.070 ppm becomes 70 ppb. While those values are numerically equal, for comparison of concentrations to the NAAQS care must be used in applying the data handling requirements of 40 CFR

50, appendix P, e.g., truncation after the third digit of a ppm value is equivalent to dropping digits after the decimal point in a ppb value.

³³ CARB refers to reactive organic gases (ROG) in some of its ozone-related submittals. The CAA and the EPA’s regulations refer to VOC, rather than ROG, but both terms cover essentially the same set of gases. In this document, we use the term VOC to refer to this set of gases.

³⁴ CARB’s Demonstration, Appendix A, 17–19 describes the emissions used in the photochemical modeling exercise and summarized in Table 3 of this document. Updated Mexico emissions were developed as part of a project prepared for CARB by the Eastern Research Group, Inc. (ERG), Final Report, “2014 Northern Baja California Emissions Inventory Project,” September 30, 2019.

TABLE 3—CARB'S 2018 IMPERIAL COUNTY AND MEXICALI MUNICIPALITY EMISSIONS INVENTORY—Continued
[tons per day (tpd), summer planning inventory]^a

Source	Imperial county				City of Mexicali			
	NO _x (tpd)	NO _x (%)	VOC (tpd)	VOC (%)	NO _x (tpd)	NO _x (%)	VOC (tpd)	VOC (%)
Off-Road Mobile	8.8	55	3.0	22	8.0	12	0.8	1
On-Road Mobile	5.6	35	2.5	19	54.4	82	16.4	28
Total	16.0	100	13.5	100	66.6	100	59.6	100

Source: The EPA calculated percentages using information from Demonstration, Appendix A, Table 3, 19.

^a CARB modeled April–October and refers to this period as the “modeled ozone season” and the emission inventory used as the “summer planning inventory”. For calendar years 2018–2020 all max daily 8-hour ozone values above 70 ppb at Calexico-Ethel Street and El Centro-9th Street occurred between April–September. These months represent peak ozone for the area.

3. Ambient Observational Analysis—Back Trajectories

CARB's Demonstration includes an analysis of back trajectories created using the National Oceanic and Atmospheric Administration's (NOAA) Hybrid Single Particle Lagrangian Integrated Trajectory (HYSPLIT) model.³⁵ The analysis includes trajectories for each exceedance day in 2018, 2019, and 2020 (when the daily maximum eight-hour average ozone level was above 70 ppb) at the two Imperial County monitors with the highest 2020 design values, Calexico-Ethel Street (42 exceedance days) and El Centro-9th Street (17 exceedance days). CARB identified the hours contributing to the daily maximum 8-hour average ozone value for each exceedance day and then used HYSPLIT to generate 8-hour back-trajectories for each of the eight hours that contributed to the maximum 8-hour average ozone value for each exceedance day at each monitor. CARB generated back-trajectories for three starting altitudes (100, 500, and 1000 meters (m)) at each monitor using meteorological data from the North American Mesoscale Forecast System (NAM) 12 kilometer (km) pressure coordinate system dataset.

CARB's analysis flagged an exceedance day as having likely influence from emissions emanating from Mexico if the majority of back-trajectories (at least five out of eight) for that day originated from or passed over Mexico. CARB then removed those flagged days and recalculated the 2020 design values for the Calexico-Ethel Street and El Centro-9th Street monitors. Using this analysis, CARB asserts that when days with likely influence from emissions emanating from Mexico are excluded based on the HYSPLIT analysis, the estimated design values for the monitors would meet the 0.070 ppm (70 ppb) 8-hour ozone standard.

³⁵ Demonstration, Appendix B. National Oceanic and Atmospheric Administration's Hybrid Single Particle Lagrangian Integrated Model (HYSPLIT), <https://www.ready.noaa.gov/HYSPLIT.php>.

4. Modeling To Quantify International Contribution—CARB Photochemical Modeling

Appendix A to CARB's Demonstration describes CARB's photochemical modeling. CARB simulated conditions between April 2018 and October 2018 using the Community Multiscale Air Quality model (CMAQ) driven by meteorological fields from the Weather Research and Forecasting (WRF) prognostic model.³⁶ The overall CMAQ air quality modeling domain covers the entire State of California, and has a horizontal grid size resolution of 12 kilometer (km) with 107 x 97 lateral grid cells for each vertical layer. It extends from the Pacific Ocean in the west to eastern Nevada in the east, and from the northern Mexico in the south to the California-Oregon border in the north. The smaller nested domain used to model the Imperial County nonattainment area covers southern California (including the South Coast, San Diego, and Salton Sea air basins) and northern Mexico, has a finer scale 4 km grid resolution, and includes 156 x 102 lateral grid cells.

CARB included a performance analysis for the meteorological model (WRF) and the ozone model (CMAQ) simulations including statistics recommended in the EPA's “Modeling Guidance for Demonstrating Air Quality Goals for Ozone, PM_{2.5} and Regional Haze,” (“Modeling Guidance”).³⁷ CARB validated the WRF-simulated surface wind speed, temperature, and relative humidity from the 4 km domain against hourly observations at 13 surface stations in Imperial County and included detailed hourly time-series together with spatial distributions of the mean bias and mean error.³⁸ CARB also

³⁶ CMAQ model version 5.3.2, released by the EPA in October 2020. Further information on CMAQ is available at: <https://www.cmascenter.org/cmaq/>. WRF model version 4.2.1. Further information on WRF is available at <https://www.mmm.ucar.edu/weather-research-and-forecasting-model>.

³⁷ EPA 454/R-18-009, November 2018.

³⁸ Demonstration, 24–27 and 46–58.

included a phenomenological analysis showing the model captures the general meteorological patterns affecting the region on exceedance days.³⁹

CARB provided an operational evaluation of the ozone model performance including tables of statistics for elevated ozone periods (greater than 60 ppb) as recommended in the Modeling Guidance for 1-hour ozone, daily maximum 1-hour ozone, and daily maximum 8-hour modeled ozone compared to observations at the Calexico-Ethel Street and El Centro-9th Street ozone monitoring locations.⁴⁰ CARB also provided scatter plots, time series and additional performance statistics and compared these results to those from similar studies in other areas.⁴¹

After confirming the model performance for the 2018 base case using 2018 anthropogenic emissions for both the U.S. and Mexico, CARB performed a “brute-force” or “zero-out” sensitivity case. The only difference from the base case is that anthropogenic, near-source northern Mexico emissions (those within the CMAQ 4 and 12 km modeling domains⁴²) were excluded from the simulation. CARB then used the modeled zero-out and base case results to apply a pseudo-Relative Reduction Factor (RRF) to observations and to predict the contribution of near-source northern Mexico emissions to the average of Imperial County 2018, 2019, and 2020 ozone design values.⁴³ Here, the RRF represents the fractional change

³⁹ Id. at 28–32.

⁴⁰ Id. at 34–36.

⁴¹ Id. at 37–39 and 59–64.

⁴² See Demonstration, Appendix A, Figure 6 and email dated March 3, 2022, from Chenxia Cai (CARB) to Rynda Kay (EPA), Subject: “RE: Imperial 179B(b) demo: quick clarification question on model set-up.”

⁴³ The Modeling Guidance recommends using three 3-year design value periods when doing an attainment test as part of a SIP demonstration for ozone in order to account for meteorological variability. CARB applied this approach to its 179B(b) modeling demonstration and calculated design values for the 3 three-year periods ending in 2018, 2019, and 2020 and then averaged them.

in modeled peak ozone between the base and zero-out simulations. The Modeling Guidance recommends calculating an RRF based on the highest 10 modeled days in the simulated period (at each monitoring site). CARB used the top 10 days from the base case simulation and then the same corresponding days from the zero-out simulation. These values are based on the maximum simulated ozone within a 3x3 array of grid cells surrounding the grid cell in which the monitor is located. The predicted design values were then calculated by multiplying the

average of Imperial County 2018, 2019, and 2020 design values by the pseudo-RRFs. The change in design value represents the contribution of near-source, northern Mexico emissions to the design value.

As shown in Table 4 of this document, with the removal of anthropogenic northern Mexico emissions in the 4 km and 12 km modeling domains, the average of the 2018–2020 design values for Calexico-Ethel Street is predicted to be reduced from 78.0 to 69.2 ppb, and for El Centro-9th Street is reduced from 72.0 to 61.3 ppb. These calculations indicate that

emissions from northern Mexico contribute approximately 9 ppb to the design value at the Calexico-Ethel Street monitor and approximately 11 ppb to the design value at the El Centro-9th Street monitor. The contribution from the rest of Mexico and other international sources outside of the modeling domain were not removed. Had the contribution from the rest of Mexico and other international sources also been removed, the modeling would have predicted a larger contribution to the design values from international emissions.

TABLE 4—CARB’S AVERAGE 2018–2020 DESIGN VALUES ESTIMATES BASED ON SCALING EXERCISE FROM CARB MODELING

Monitoring site	Measured average 2018–2020 design values (DV _B , ppb)	Estimated DV _B without anthropogenic northern Mexico emissions (ppb)	Approximate northern Mexico contribution to DV _B (ppb)	Change in design value (percent)
Calexico-Ethel	78.0	69.2	8.8	11.3
El Centro-9th	72.0	61.3	10.7	14.9

Source: Demonstration, 9. Note that the Demonstration refers to emissions from “Mexico” but only emissions from northern Mexico (those within the 4 and 12 km modeling domains) were excluded.

Note: “Measured Average 2018–2020 Design Values” above takes the 2018, 2019, and 2020 design value for the individual site and averages the three design values together to arrive at the value listed.

D. EPA Review of the State’s Submission

As part of meeting its duty to determine whether the Imperial County area attained the 2015 ozone NAAQS by the applicable attainment date, the EPA evaluated air quality monitoring data submitted by CARB to determine the attainment status of the Imperial County nonattainment area as of its Marginal area attainment date. The Agency has also evaluated the State’s 179B(b) demonstration that the Imperial County nonattainment area would have attained the 2015 ozone NAAQS by the attainment date, but for international emissions. Based on our review, the EPA is proposing to approve the CAA section 179B(b) demonstration. The EPA is proposing this action to fulfill its statutory obligation under CAA section 181(b)(2) to determine whether the Imperial County nonattainment area attained the 2015 ozone NAAQS as of the attainment date of August 3, 2021. Our rationale supporting the proposed approval of the State’s 179B(b) demonstration and determination is summarized below. The full rationale is included in the technical support document provided in the docket for this rulemaking.

CARB’s retrospective 179B(b) demonstration includes multiple lines of evidence consistent with the key

types of analyses recommended in our 179B Guidance.⁴⁴ These analyses appropriately focus on 2018, 2019, and 2020, which are the key years for demonstrating attainment for a Marginal area for the 2015 ozone NAAQS. We agree that each line of evidence supports the conclusion that the 2020 ozone design values at all monitoring sites in Imperial County would be at or below 0.070 ppm (70 ppb) but for the influence of Mexican emissions. CARB’s analyses focus on the influence from near-source northern Mexico contribution; the EPA notes that this is a narrow, conservative approach to analyzing “international contribution.” Even with this approach, we find that these analyses support this conclusion. Based on the evaluation of these analyses as a whole, the EPA agrees that Imperial County would have attained the 2015 ozone NAAQS by the August 3, 2021 attainment date but for emissions emanating from Mexico.

CARB provided a conceptual model describing the meteorology and topography of the area, an evaluation of ozone precursor emissions, and an analysis of ozone trends at County monitors. We agree that the following factors support the proposition that the Mexicali Municipality emissions likely

have a substantial influence on Imperial County ozone levels, particularly at the Calexico-Ethel monitor, which remains the only monitor with a violating 2020 design value: the topography and meteorology of the Imperial and Mexicali areas results in a single, shared binational airshed; Mexicali Municipality ozone precursor emissions are much larger (currently approximately four times greater) than Imperial County emissions; ozone concentration trends over time show that monitors farther from the border have experienced decreasing concentrations, while at the Calexico-Ethel monitor concentrations have remained flat; and spatially, ozone concentrations decrease with increasing distance from the border.

CARB ran the HYSPLIT model to generate 8-hour back-trajectories for each of the eight hours contributing to each 2018–2020 daily maximum 8-hour average ozone exceedance (greater than 70 ppb) at the Calexico-Ethel and El Centro-9th Street monitors at three altitudes (100 m, 500 m, 1000 m). CARB flagged days that had at least 5 of the 8 hours originating from or traversing through Mexico as having likely influence from emissions emanating from Mexico. The 179B Guidance recommends a slightly more stringent

⁴⁴ 179B Guidance, Section 6.

test for identifying days influenced by international emissions using a threshold of 75 percent of trajectories (e.g., 6 of 8 trajectories) as indicating values that are likely influenced by international emissions for a given day.⁴⁵ CARB notes that for more than 75 percent of flagged days, six or more of the eight 8-hour back-trajectories originated from or went through Mexico, with most back-trajectories passing over the city of Mexicali.⁴⁶ The EPA performed additional analysis and found that 61–87 percent of the 8-hour back trajectories (considering all three starting altitudes of 100 m, 500 m, and 1000 m) passed over Mexico within the 8-hour period prior to arriving at the monitoring site, with 55–80 percent passing over the Mexicali Municipality. The remaining trajectories, particularly at lower elevations, generally come from the northwest, following valley topography, over the sparsely populated Anza-Borrego desert region. We conclude that the high percentage of 8-hour back trajectories passing over Mexicali supports the conclusion that there is a direct international source-receptor relationship between the Mexicali area and Imperial County on 2018–2020 exceedance days.

CARB also recalculated the 2020 design value excluding the days flagged following the same methodology. The EPA notes that flagged days on which international emissions are likely to have an impact might also be affected by domestic emissions, and a simple back-trajectory analysis cannot distinguish whether ozone levels on that day would have exceeded the NAAQS without any international contributions. Therefore, a simple recalculation of the design value excluding days with influence from Mexico is not a conclusive “but for” analysis. However, the EPA agrees that CARB’s 8-hour back trajectory analysis shows that there is consistent, direct transport from the high-emissions Mexicali Municipality on high ozone days to violating Imperial County monitors. This direct transport, in conjunction with the much larger emissions magnitudes in Mexicali than in Imperial County, supports an international source-receptor relationship between the Mexicali area and Imperial County on exceedance days.

CARB used CMAQ (version 5.3.2) driven by WRF (version 4.2.1) meteorological fields to conduct its photochemical modeling analysis. The EPA recognizes both CMAQ and WRF as technically sound, state-of-the-science

models applicable for use in regulatory applications.⁴⁷ We find that the areal extent and the horizontal and vertical resolution CARB used in these models are appropriate for modeling Imperial County ozone. The diurnal variation of temperature, humidity and surface wind are well represented by WRF and the model captures the main meteorological features contributing to high ozone in Imperial County. We reviewed the scatter plots, time series, and performance statistics provided and agree that, overall, the CMAQ modeling performance is acceptable and compares favorably to similar studies in other areas.

As previously discussed, CARB used the model results to estimate the impact of cross-border, northern Mexico emissions on air quality. The results of this estimate were applied to the average of the 2018, 2019, and 2020 ozone design values at Calexico-Ethel Street and El Centro-9th Street (78 and 72 ppb, respectively) and indicate near-source Mexico emissions contribute approximately 9 ppb and 11 ppb to the design values at Calexico-Ethel Street and El Centro-9th Street, respectively. The EPA notes that the analysis here conservatively evaluates only cross-border emissions from northern Mexico, and does not evaluate effects of international emissions from other parts of Mexico or elsewhere.

The EPA has performed additional analysis of its 2020 Ozone Policy Assessment (“2020 PA”) modeling⁴⁸ to provide broad U.S. and international source attribution for 2015 ozone NAAQS nonattainment areas in the year 2016.⁴⁹ The 2020 PA modeling predicts that nationwide, average simulated international anthropogenic ozone contribution to the top 10 model days over all nonattainment areas is 5.3 ± 4.9 ppb (mean \pm standard deviation) and the average U.S. anthropogenic ozone contribution is 40.2 ± 13.5 ppb.⁵⁰ This

result shows that in most nonattainment areas the U.S. anthropogenic contribution is much larger than the international anthropogenic contribution.

The 2020 PA modeling predicts that the international anthropogenic ozone contribution to the top 10 model days specifically for Imperial County is 31.8 ppb, the largest international anthropogenic contribution of any nonattainment area in the country. In contrast to the modeling submitted by CARB, which quantifies only the small portion of the international contribution that comes from near-source anthropogenic emissions in northern Mexico, the EPA’s modeling quantifies impacts from all international anthropogenic emissions sources. This international anthropogenic contribution is four times larger than the U.S. anthropogenic contribution of 8.2 ppb on those days. The EPA also provided contribution estimates to the average of the 2018, 2019, and 2020 design values for Imperial County (78 ppb) and predicted that the international anthropogenic contribution to that value was 31.8 ppb and U.S. anthropogenic contribution was 8.2 ppb.⁵¹ The analyses are from different years and different modeling platforms, which complicates conclusions from direct comparisons. In addition, CARB did not specifically split out the U.S. anthropogenic contributions in their modeling. Even so, we note that the U.S. anthropogenic contribution of 8.2 ppb from the 2020 PA modeling is smaller than the 9–11 ppb estimated contribution from just northern Mexico in CARB’s modeling and is much smaller than the 31.8 ppb from all international sources in the EPA’s 2020 PA modeling. This additional modeling indicates that international anthropogenic emissions contribute significantly to ozone in Imperial County, and that emissions from northern Mexico, while having a substantial contribution, are only a portion of the total contribution from all international anthropogenic sources to Imperial County ozone design values. CARB and EPA analyses both support the conclusion that Mexican anthropogenic emissions substantially

⁴⁷ Memorandum dated August 4, 2017, from Tyler Fox, EPA, Office of Air Quality Planning and Standards, Subject: “Use of Photochemical Grid Models for Single-Source Ozone and Secondary PM_{2.5} Impacts for Permit Program Related Assessments and for NAAQS Attainment Demonstrations for Ozone, PM_{2.5} and Regional Haze.”

⁴⁸ U.S. EPA. (2020). Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (No. EPA-452/R-20-001). Research Triangle Park, NC: United States Environmental Protection Agency. Retrieved from https://www.epa.gov/sites/production/files/2020-05/documents/o3-final_pa-05-29-20compressed.pdf.

⁴⁹ Memorandum dated August 10, 2021, from Barron Henderson and Heather Simon (EPA, OAQPS), Subject: “Designated Area Source Attribution Results Related to the National Determination of Attainment by the Attainment date (DAAD) Action.”

⁵⁰ The EPA modeling was done for the year 2016.

⁵¹ In addition to the international anthropogenic and U.S. anthropogenic contributions, natural emissions were predicted to contribute 30.0 ppb. Due to the non-linearity of ozone chemistry, some portion of the ozone concentration in each area cannot be attributed solely to U.S. anthropogenic or international anthropogenic sources. Thus, reducing this fraction of ozone (referred to as “Mix Anth”) requires reducing both U.S. anthropogenic and international anthropogenic sources. The predicted Mix Anth contribution to this value was 7.9 ppb.

⁴⁵ 179B Guidance, 34.

⁴⁶ Demonstration, 11.

contribute to ozone exceedances in Imperial County.

In conclusion, the EPA finds that these multiple lines of evidence, taken together, support the conclusion that Imperial County would have attained the 2015 ozone NAAQS by the August 3, 2021 attainment date “but for” international emissions and support the approval of CARB’s 179B(b) demonstration.

III. Environmental Justice Considerations

Executive Order 12898 (59 FR 7629, February 16, 1994) requires that federal agencies, to the greatest extent practicable and permitted by law, identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. Additionally, Executive Order 13985 (86 FR 7009, January 25, 2021) directs federal government agencies to assess whether, and to what extent, their programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups, and Executive Order 14008 (86 FR 7619, February 1, 2021) directs federal agencies to develop programs, policies, and activities to address the disproportionate health, environmental, economic, and climate impacts on disadvantaged communities.

To identify environmental burdens and susceptible populations in underserved communities in the Imperial County nonattainment area and to better understand the context of our proposed approval of CARB’s 179B(b) demonstration on these communities, we conducted a screening-level analysis using the EPA’s environmental justice (EJ) screening and mapping tool (“EJSCREEN”).⁵² Our screening-level analysis indicates that communities affected by this action score above the national average for the EJSCREEN “Demographic Index,” which is the average of an area’s percent minority and percent low income populations, *i.e.*, the two demographic indicators explicitly named in Executive Order

12898.⁵³ These communities also score above the national average for the “linguistically isolated population,” and “population with less than high school education” indicators. Additionally, these communities score above the national average for numerous EJ Index indicators, including the PM_{2.5} EJ index and the respiratory hazard EJ Index. We also looked at ozone design values for the 2018–2020 period as an indicator of potential ozone pollution exposure.⁵⁴ Both the Calexico and the El Centro monitors score above the national average design value for this period.⁵⁵

As discussed in the EPA’s EJ technical guidance, people of color and low-income populations, such as those in Imperial County, often experience greater exposure and disease burdens than the general population, which can increase their susceptibility to adverse health effects from environmental stressors.⁵⁶ Underserved communities may have a compromised ability to cope with or recover from such exposures due to a range of physical, chemical, biological, social, and cultural factors.⁵⁷ In addition to the demographic and environmental indicators identified in our screening level analysis, the

⁵² EJSCREEN reports environmental indicators (*e.g.*, air toxics cancer risk, Pb paint exposure, and traffic proximity and volume) and demographic indicators (*e.g.*, people of color, low income, and linguistically isolated populations). The score for a particular indicator measures how the community of interest compares with the state, the EPA region, or the national average. For example, if a given location is at the 95th percentile nationwide, this means that only five percent of the US population has a higher value than the average person in the location being analyzed. EJSCREEN also reports EJ indexes, which are combinations of a single environmental indicator with the EJSCREEN Demographic Index. For additional information about environmental and demographic indicators and EJ indexes reported by EJSCREEN, see EPA, “EJSCREEN Environmental Justice Mapping and Screening Tool—EJSCREEN Technical Documentation,” section 2 (September 2019).

⁵⁴ The ozone metric in EJSCREEN represents the summer seasonal average of daily maximum 8-hour concentrations (parts per billion, ppb) and was not used in our EJ analyses because it does not represent summertime peak ozone concentrations, which are instead represented here by the design value (DV) metric. Ozone DVs are the basis of the attainment determination in this proposed action, and in this case we consider it a more informative indicator of pollution burden relative to the Imperial nonattainment area and the U.S. as a whole.

⁵⁵ The 2020 ozone design value for the Calexico monitor (0.078 ppm) is in the 94th percentile and the El Centro monitor (0.068 ppm) is in the 73rd percentile among 2020 ozone design values nationally. The percentiles were calculated using data available at https://www.epa.gov/system/files/documents/2022-05/O3_DesignValues_2019_2021_FINAL_05_25_22.xlsx, Table 6. Site Trend, column T (“2018–2020 Design Value (ppm)”).

⁵⁶ EPA, “Technical Guidance for Assessing Environmental Justice in Regulatory Analysis,” section 4 (June 2016).

⁵⁷ *Id.* section 4.1.

proximity of underserved communities to the border with Mexico and the resulting exposure to levels of ozone that exceed the NAAQS contributes to the potential EJ concerns faced by communities in the Imperial nonattainment area.

If finalized, this proposed action to approve California’s demonstration that the Imperial County ozone nonattainment area would have attained the standard by the statutory attainment date, but for emissions emanating from Mexico, would result in the area retaining its Marginal classification. The area will retain its designation as nonattainment and continue to implement nonattainment new source review, but will not be reclassified as “Moderate” and the State will not be required to submit a plan demonstrating attainment or to adopt additional control measures, consistent with CAA section 179B(b).⁵⁸ As a result, the EPA will not be requiring the State to impose additional control measures for purposes of the 2015 ozone NAAQS that could serve to reduce ozone exposure in the area, even if they would not result in actual attainment of the NAAQS due to the influx of ozone and its precursors from Mexico.

However, we note that the Imperial County nonattainment area is also designated nonattainment, and classified as Moderate, for the 2008 ozone NAAQS. Section 172(c)(1) of the CAA requires states to implement RACM/RACT level emission controls for ozone nonattainment areas classified Moderate and above. In 2020, the EPA determined that California’s Moderate area nonattainment plan for the Imperial County nonattainment area for the 2008 ozone NAAQS provides for the implementation of all RACM as required by CAA section 172(c)(1) and 40 CFR 51.1112(c).⁵⁹ Because California has already implemented RACM/RACT level controls for purposes of the 2008 ozone NAAQS in the area, we think that this will serve to limit potential impacts from the EPA’s approval of the 179(B)(b) demonstration for purposes of the 2015 ozone NAAQS.

In addition, the EPA notes that there are other efforts underway to reduce environmental burden along the U.S.-Mexico border, including Imperial County. The United States and Mexico

⁵⁸ In light of the overall health and clean air objectives of the CAA, the EPA encourages the State and District to continue to evaluate and, where feasible, implement measures that would further reduce emissions and contribute to improved air quality in the Imperial nonattainment area.

⁵⁹ 85 FR 11817 (February 27, 2020), 85 FR 8181 (February 13, 2020), and 86 FR 49248 (September 2, 2021).

⁵² EJSCREEN provides a nationally consistent dataset and approach for combining environmental and demographic indicators. EJSCREEN is available at <https://www.epa.gov/ejscreen/what-ejscreen>. The EPA used EJSCREEN to obtain environmental and demographic indicators representing the City of Calexico, which is located adjacent to the border with Mexico and measures the highest levels of ozone in the nonattainment area, and the central portion of Imperial County, where the overwhelming majority of the population resides. These indicators are included in EJSCREEN reports that are available in the rulemaking docket for this action.

have long recognized the environmental challenges in the border region and share the goal of protecting the environment and public health in the U.S.-Mexico border region. The two nations have been working together outside the framework of the SIP process to make progress towards those goals.

The U.S.-Mexico Environmental Program (“Border 2025”) is a five-year (2021–2025) binational effort designed “to protect the environment and public health in the U.S.-Mexico border region, consistent with the principles of sustainable development.”⁶⁰ Border 2025 is the latest of a series of cooperative efforts implemented under the 1983 La Paz Agreement. It builds on previous binational efforts (*i.e.*, the Border 2012 and Border 2020 Environmental Programs), emphasizing regional, bottom-up approaches for decision making, priority setting, and project implementation to address the environmental and public health problems in the border region. As in the previous two border programs, Border 2025 encourages meaningful participation from communities and local stakeholders and establishes guiding principles that will support the mission statement, ensure consistency among all aspects of the Border 2025 Program, and continue successful elements of previous binational environmental programs.

Border 2025 sets out four strategic goals, including the reduction of air pollution and the improvement of water quality, to address environmental and public health challenges in the border region. Within the goals are specific objectives that identify actions that will be taken in support of the program’s mission. The goals and objectives were determined binationally between the EPA and the Ministry of Environment and Natural Resources of Mexico (SEMARNAT) to address ongoing environmental challenges, and considered input from state and tribal partners. The “California-Baja California 2021–2023 Border 2025 Action Plan” lists and describes the projects that are being undertaken to achieve the goals and objectives of Border 2025, along with the target outputs, expected results, and status of each action.⁶¹

⁶⁰ “Border 2025: United States—Mexico Environmental Program,” included in this docket and accessible at https://www.epa.gov/sites/default/files/2021-05/documents/final_us_mx_border_2025_final_may_6.pdf.

⁶¹ The “California-Baja California 2021–2023 Border 2025 Action Plan” is included in the docket for this action and is accessible online at <https://www.epa.gov/usmexicoborder/region-9-action-plansplanes-de-accion-de-region-9>.

In addition to the ongoing efforts under the Border 2025 agreement, in 2020, the EPA awarded the Imperial County APCD \$3,350,371 to pave 3.5 miles of residential alleyways in the downtown core of the City of Calexico to reduce PM_{2.5} and PM₁₀.⁶² While the resulting reductions of particulate emissions will not reduce ozone levels, it should relieve some of the cumulative burden on disadvantaged communities in the Imperial ozone nonattainment area.

The EPA is committed to environmental justice for all people, and we acknowledge that the Imperial County nonattainment area includes minority and low income populations that could be affected by this action. As discussed in Section I.B. of this document, the District and State have met the requirements for ozone nonattainment areas classified as Marginal. Notwithstanding the purpose of this action determining that the Imperial ozone nonattainment area would have attained the 2015 ozone NAAQS but for emissions transported from Mexico, the EPA is working to reduce disproportionate health, environmental, economic, and climate change impacts in the Imperial County nonattainment area by other means, including those described in this section.

IV. Proposed Action

For the reasons discussed in this document, we are proposing to determine, consistent with our evaluation of the “Imperial County Clean Air Act Section 179B(b) Analysis for the 70 ppb 8-Hour Ozone Standard,” that the Imperial County nonattainment area would have attained the 2015 ozone NAAQS by the Marginal area attainment date of August 3, 2021, but for emissions emanating from outside the United States. If finalized, the EPA’s obligation under section 181(b)(2)(A) to determine whether the area attained by its attainment date will no longer apply and the area will not be reclassified. The area will remain designated nonattainment and thus the State will continue to comply with applicable requirements for a Marginal ozone nonattainment area.

The EPA is soliciting public comments on the issues discussed in this document. We will accept

⁶² A list of the Targeted Airshed Grants the EPA awarded in fiscal years 2015–2020 is accessible online at <https://www.epa.gov/air-quality-implementation-plans/targeted-airshed-grant-recipients>. These EPA grants support projects to reduce emissions in areas facing the highest levels of ground-level ozone and fine particulate matter, or PM_{2.5}.

comments from the public on this proposal until September 14, 2022 and will consider comments before taking final action.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This rulemaking does not impose any new information collection burden under the PRA not already approved by the Office of Management and Budget. This action proposes to find that the Imperial County Marginal ozone nonattainment area would have attained the 2015 NAAQS by the applicable attainment date, but for emissions emanating from outside the United States. Thus, the proposed action does not establish any new information collection burden that has not already been identified and approved in the EPA’s information collection request.⁶³

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The proposed determination that Imperial County would have attained the 2015 ozone NAAQS but for international emissions does not in and of itself create any new requirements beyond what is mandated by the CAA. Instead, this rulemaking only makes factual determinations, and does not directly regulate any entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small

⁶³ On April 30, 2018, the OMB approved the EPA’s request for renewal of the previously approved information collection request (ICR). The renewed request expired on April 30, 2021, 3 years after the approval date (see OMB Control Number 2060–0695 and ICR Reference Number 201801–2060–003 for EPA ICR No. 2347.03). On April 30, 2021, the OMB published the final 30-day Notice (86 FR 22959) for the ICR renewal titled “Implementation of the 8-Hour National Ambient Air Quality Standards for Ozone (Renewal)” (see OMB Control Number 2060–0695 and ICR Reference No: 202104–2060–004 for EPA ICR Number 2347.04). The ICR renewal is pending OMB final approval.

governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states and tribes, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the Federal Government and the states for the purposes of implementing the NAAQS is established under the CAA.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law.

The EPA has identified two tribal areas located within the Imperial County nonattainment area, which is the subject of this action proposing to determine the area attained the 2015 ozone NAAQS, but for emissions emanating from outside the United States. The EPA has invited the Quechan Tribe of the Fort Yuma Indian Reservation and the Torres Martinez Desert Cahuilla Indians to engage in government to government consultation in advance of our proposed action and intends to continue to communicate with the tribes as the Agency moves forward in developing a final rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (E.O.) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA’s evaluation of this issue is contained in the section of the preamble titled “Environmental Justice Considerations.”

List of Subjects

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

Dated: August 4, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–17190 Filed 8–12–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

[Docket No. FWS–R7–ES–2022–0025; FXES111607MRG01–212–FF07CMM00]

RIN 1018–BG05

Marine Mammals; Incidental Take During Specified Activities: The Gulf of Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, in response to a request from the United States Coast Guard, propose to issue regulations authorizing the nonlethal, incidental, unintentional take by harassment of small numbers of northern sea otters during marine construction and pile driving in the Gulf of Alaska coastal waters. Take may result from marine construction and pile-driving activities. This proposed rule would authorize take by harassment only. No lethal take would be authorized. If this proposed rule is finalized, we will issue letters of authorization, upon request, for specific proposed activities in accordance with the final rule for a period of 5 years. Therefore, we request comments on these proposed regulations.

DATES: Comments on these proposed incidental take regulations and the accompanying draft environmental assessment will be accepted on or before September 14, 2022.

Information collection requirements: If you wish to comment on the information collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this proposed rule in the **Federal Register**. Therefore, comments should be submitted to OMB, with a copy to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, (see “Information Collection” section below under **ADDRESSES**) by October 14, 2022.

ADDRESSES: *Document availability:* You may view this proposed rule, the associated draft environmental assessment, comments received, and other supporting material at <https://www.regulations.gov> under Docket No. FWS–R7–ES–2022–0025, or these

documents may be requested as described under **FOR FURTHER INFORMATION CONTACT**.

Comment submission: You may submit comments on the proposed rule and draft environmental assessment by one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R7-ES-2022-0025.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-R7-ES-2022-0025, Policy and Regulations Branch, U.S. Fish and Wildlife Service; MS: PRB (JAO/3W); 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

Information collection requirements: Written comments and suggestions on the information collection requirements should be submitted within 60 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 the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803 (mail); or Info_Coll@fws.gov (email). Please reference “OMB Control Number 1018-0070” in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Sierra Franks, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road MS-341, Anchorage, AK 99503, Telephone 907-786-3844, or Email:

R7mmmregulatory@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:

Executive Summary

In accordance with the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1371(a)(5)(A)) and its implementing regulations, we, the U.S.

Fish and Wildlife Service (hereafter Service or we), propose incidental take regulations (ITR) that if finalized would authorize the nonlethal, incidental, unintentional take of small numbers of northern sea otters (*Enhydra lutris kenyoni*; hereafter “otter,” “otters,” or “sea otters”) during marine construction and pile-driving activities in coastal waters surrounding eight United States Coast Guard (USCG) facilities in the Gulf of Alaska. If finalized, this proposed rule would be effective from the effective date of the final rule for a period of 5 years.

This proposed rule is based on our draft findings that the total takings of northern sea otters during proposed activities will impact small numbers of animals, will have a negligible impact on this species or stocks, and will not have an unmitigable adverse impact on the availability of this species for subsistence use by Alaska Natives. We base our draft findings on data from monitoring the encounters and interactions between this species; research on this species; potential and documented effects on this species from similar activities; information regarding the natural history and conservation status of northern sea otters; and data reported from Alaska Native subsistence hunters.

The proposed regulations include permissible methods of nonlethal taking; mitigation measures to ensure that the USCG’s activities will have the least practicable adverse impact on the species, their habitat, and the availability of this species for subsistence uses; and requirements for monitoring and reporting.

Background

Section 101(a)(5)(A) of the MMPA gives the Secretary of the Interior (Secretary) the authority to allow the incidental, but not intentional, taking of small numbers of marine mammals, in response to requests by U.S. citizens (as defined in title 50 of the Code of Federal Regulations (CFR) in part 18 (at 50 CFR 18.27(c)) engaged in a specified activity (other than commercial fishing) within a specified geographic region. The Secretary has delegated authority for implementation of the MMPA to the Service. According to the MMPA, the Service shall allow this incidental taking if we find that the total of such taking for the 5-year regulatory period:

- (1) Will affect only small numbers of individuals of the species or stock;
- (2) Will have no more than a negligible impact on the species or stock;
- (3) Will not have an unmitigable adverse impact on the availability of the

species or stock for taking for subsistence use by Alaska Natives; and

- (4) We issue regulations that set forth:
 - (a) Permissible methods of taking,
 - (b) Means of effecting the least practicable adverse impact on the species or stock and its habitat and the availability of the species or stock for subsistence uses, and
 - (c) Requirements for monitoring and reporting of such taking.

If final regulations allowing such incidental take are issued, we may then subsequently issue letters of authorization (LOAs), upon request, to authorize incidental take during the specified activities.

The term “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal. Harassment for activities other than military readiness activities or scientific research conducted by or on behalf of the Federal Government means “any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild” (the MMPA defines this as 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” (the MMPA defines this as Level B harassment).

The terms “negligible impact” and “unmitigable adverse impact” are defined in 50 CFR 18.27 (*i.e.*, regulations governing small takes of marine mammals incidental to specified activities) as follows: “Negligible impact” is 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; “Unmitigable adverse impact” means an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The term “small numbers” is also defined in 50 CFR 18.27. However, we do not rely on that definition here as it conflates “small numbers” with

“negligible impacts.” We recognize “small numbers” and “negligible impacts” as two separate and distinct requirements for promulgating ITRs under the MMPA (see *Natural Res. Def. Council, Inc. v. Evans*, 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, for our small numbers determination, we estimate the likely number of takes of marine mammals and evaluate if that take is small relative to the size of the species or stock.

The term “least practicable adverse impact” is not defined in the MMPA or its enacting regulations. In promulgating ITRs, we ensure the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of project activities, but they are not so restrictive as to make project activities unduly burdensome or impossible to undertake and complete.

The USCG’s marine construction and pile-driving activities may result in the incidental taking of sea otters. The MMPA does not require that the USCG must obtain incidental take authorization; however, any taking that occurs without authorization is a violation of the MMPA.

Summary of Request

The Service first received a request for ITRs from the USCG on July 2, 2021. The Service sent requests for additional information on August 12, September 13, and November 10, 2021, and February 10, 2022 and received updated versions of the petition from USCG on October 14, 2021, and January 18 and February 28, 2022, the latter of which was determined to be adequate and

complete. Several revisions were made involving animal presence, ensonified areas, number of days of operations, and mitigation and monitoring protocols. Geospatial files of the work sites were received on December 3, 2021. The Service used the February 2022 petition and December 2021 spatial files for analyses.

Description of the Proposed Regulations

The proposed regulations, if finalized, would authorize the nonlethal, incidental, unintentional take of small numbers of sea otters that may result from the proposed activities based on standards set forth in the MMPA. They would not authorize or “permit” activities, only the incidental take associated with those activities. The proposed regulations include:

- (1) Permissible methods of nonlethal taking;
- (2) Measures designed to ensure the least practicable adverse impact on sea otters and their habitat, and on the availability of this species for subsistence uses; and
- (3) Requirements for monitoring and reporting.

Description of Letters of Authorization (LOA)

An LOA is required to conduct activities pursuant to an ITR. Under this proposed ITR, if finalized, the USCG may request an LOA for the authorized nonlethal, incidental Level B harassment of sea otters incidental to the specific activities described in these proposed regulations. Requests for LOAs must be consistent with the activity descriptions and mitigation and

monitoring requirements of the ITR and be received in writing at least 30 days before the activity is to begin. Requests must include (1) an operational plan for the activity, including the number of days of work and the nature of work to be conducted; (2) a digital geospatial file of the project footprint; (3) estimates of the numbers of exposures of sea otters related to each project component; and (4) a site-specific marine mammal monitoring and mitigation plan that specifies the procedures to monitor and mitigate the effects of the activities on sea otters. Once this information has been received, we will evaluate each request and issue the LOA if we find that the level of taking will be consistent with the findings made for the total taking allowable under the ITR. We must receive an after-action report on the monitoring and mitigation activities within 90 days after the LOA expires. For more information on requesting and receiving an LOA, refer to 50 CFR 18.27(f).

Description of Specified Geographic Region

The specified geographic region covered by the requested ITRs (USCG ITR region (figure 1)) encompasses Gulf of Alaska (GOA) coastal waters, including State waters, within 2 kilometers (km) (~1.25 miles (mi)) of eight USCG facilities within the USCG Civil Engineering Unit Juneau Area of Responsibility. These facilities are: Base Kodiak, Moorings Seward, Moorings Valdez, Moorings Cordova, Moorings Sitka, Station Juneau, Moorings Petersburg, and Base Ketchikan.

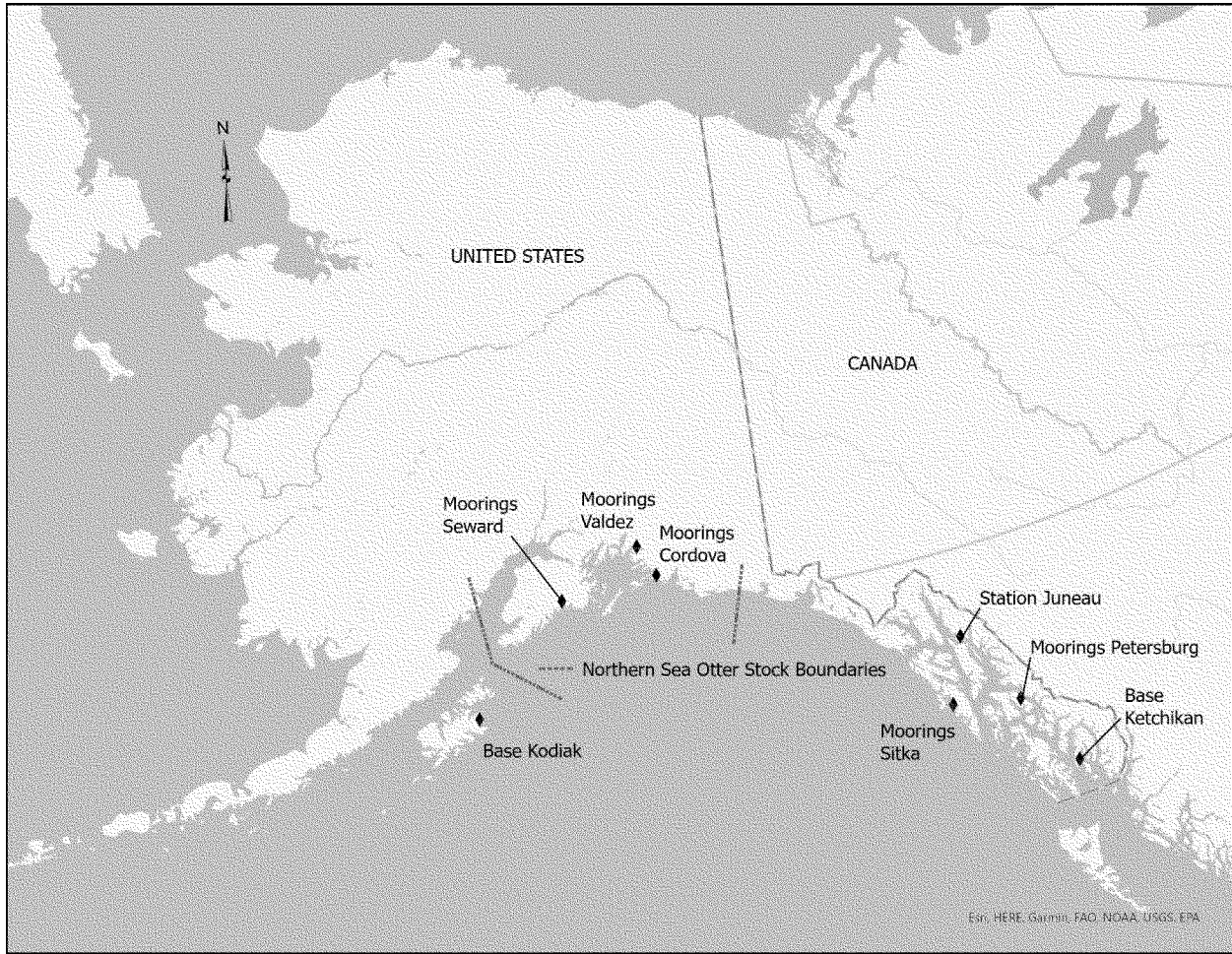


Figure 1. Map of Alaska showing USCG facilities at which proposed work is to take place. The base map image is the intellectual property of Esri and is used herein under license. Copyright © 2020 Esri and its licensors. All rights reserved.

Description of Specified Activities

The USCG will perform maintenance activities that will include pile repair (i.e., sleeve or jacket replacement), pile replacement (including removal and installation), and deck repair and replacement to maintain safe berthing for operating vessels. The in-water work will include impact pile driving of timber, steel, and concrete piles,

vibratory installation and extraction of timber, steel, and concrete piles, down-the-hole drilling, power washing of piles, use of an underwater hydraulic chainsaw, and pile clipping. The USCG will also conduct above-water maintenance activities, such as power washing of decks, fender repair (camel replacement, chain replacement, utility handlers), and replacement of rub strips and ladder supports.

Detailed descriptions of the proposed work are provided in the applicant’s request for ITRs for programmatic maintenance, repair, and replacement activities (February 2022) and the marine mammal monitoring and mitigation plan (January 2022). These documents can be obtained from the locations described above in **ADDRESSES**. Table 1 summarizes the planned activities.

TABLE 1—SUMMARY OF PLANNED ACTIVITIES INCLUDED IN THE U.S. COAST GUARD APPLICATION FOR INCIDENTAL TAKE REGULATIONS

Location	Year(s)	Number of piles	In-water activities	Type of piles	Number of days of activity per year	Total number of days of activity
Kodiak	1–5	20 piles removed and 20 piles installed per year (100 total removed and 100 total installed); combination of steel and timber piles.	Vibratory extraction/in-	Timber	10	50
			stallation.	Steel		
			Vibratory extraction/in-	Timber		
			stallation.	Clipper	10	50
			Hydraulic chainsaw	Timber		
			Down-the-hole-drill	All types/sizes		

TABLE 1—SUMMARY OF PLANNED ACTIVITIES INCLUDED IN THE U.S. COAST GUARD APPLICATION FOR INCIDENTAL TAKE REGULATIONS—Continued

Location	Year(s)	Number of piles	In-water activities	Type of piles	Number of days of activity per year	Total number of days of activity
Sitka	1–5	5 piles removed and 5 piles installed per year (25 total removed and 25 total installed); combination of steel and timber piles.	Power washing	All types/sizes	5	25
			Vibratory extraction/installation.	Timber	5	25
			Vibratory extraction/installation.	Steel	5	25
Ketchikan	1–5	10 piles removed and 10 piles installed per year (50 total removed and 50 total installed); combination of steel and timber piles.	Impact driving	Timber	5	25
			Impact driving	Steel	5	25
			Power washing	All types/sizes	10	50
			Vibratory extraction/installation.	Timber	10	50
			Vibratory extraction/installation.	Steel	10	50
			Down-the-hole drill	All types/sizes	10	50
Valdez	1–5	1 pile removed and 1 pile installed per year, except for year 4 when 2 piles are to be removed and 2 installed (6 total removed and 6 total installed); combination of steel and timber piles.	Power washing	All types/sizes	2	10
	1–5		Vibratory extraction/installation.	Timber	2	10
	1–5		Vibratory extraction/installation.	Steel	2	10
	1–5		Impact driving	Timber	1	5
	1–5		Vibratory extraction/installation.	Steel	1	5
Cordova	2	3 steel piles removed and 3 steel piles installed.	Impact driving	Steel	6	6
			Impact driving	Steel	6	6
Juneau	1–5	10 timber piles removed and 10 timber piles installed per year (50 total removed and 50 total installed).	Power washing	All types/sizes	10	50
			Vibratory extraction/installation.	Timber	10	50
			Impact driving	Timber	10	50
Petersburg	1–5	2 piles removed and 2 piles installed per year (10 total removed and 10 total installed); combination of timber and steel piles.	Power washing	All types/sizes	4	20
			Vibratory extraction/installation.	Timber	4	20
			Vibratory extraction/installation.	Steel	4	20
			Impact driving	Timber	4	20
			Impact driving	Steel	4	20
Seward	3	1 steel pile removed and 1 steel pile installed	Vibratory extraction/installation.	Steel	4	4
			Impact driving	Steel	4	4
			Impact driving	Steel	4	4
			Impact driving	Steel	4	4

Description of Marine Mammals in the Specified Geographic Region

Sea Otter Biology

There are three sea otter stocks in Alaska: Southeast Alaska stock, Southcentral Alaska stock, and the Southwest Alaska stock. All three stocks are represented in the project area. Sea otters at Base Kodiak belong to the Southwest Alaska stock. Moorings Seward, Moorings Valdez, and Moorings Cordova lie within the range of the Southcentral Alaska stock. Moorings Sitka, Station Juneau, Moorings Petersburg, and Base Ketchikan lie within the range of the Southeast Alaska stock. Detailed information about the biology of these stocks can be found in the most recent stock assessment reports for the Southwest Alaska, Southcentral Alaska, and Southeast Alaska stocks (USFWS 2014a, b, c), which can be found at <https://fws.gov/project/marine-mammal-stock-assessment-reports> and were announced in the **Federal Register** at 79 FR 22154, April 21, 2014. Additional information on the Southwest Alaska stock is available in the species status assessment available

at <https://ecos.fws.gov/ecp/species/2884>.

Sea otters may be distributed anywhere within the specified project area other than upland areas; however, they generally occur in shallow water near the shoreline. They are most commonly observed within the 40-meter (m) (131-foot[ft]) depth contour (USFWS 2014a, b, c), although they can be found in areas with deeper water. Ocean depth is generally correlated with distance to shore, and sea otters typically remain within 1 to 2 km (0.62 to 1.24 mi) of shore (Riedman and Estes 1990). They tend to be found closer to shore during storms, but venture farther out during good weather and calm seas (Lensink 1962; Kenyon 1969).

Sea otters are nonmigratory and generally do not disperse over long distances (Garshelis and Garshelis 1984), usually remaining within a few kilometers of their established feeding grounds (Kenyon 1981). Breeding males stay for all or part of the year in a breeding territory covering up to 1 km (0.62 mi) of coastline, while adult females maintain home ranges of approximately 8 to 16 km (5 to 10 mi),

which may include one or more male territories. Juveniles move greater distances between resting and foraging areas (Lensink 1962; Kenyon 1969; Riedman and Estes 1990; Tinker and Estes 1996). Although sea otters generally remain local to an area, they are capable of long-distance travel. Sea otters in Alaska have shown daily movement distances greater than 3 km (1.9 mi) at speeds up to 5.5 km per hour (hr) (km/hr; 3.4 mi/hr) (Garshelis and Garshelis 1984).

Southeast Alaska Sea Otter Stock

The Southeast Alaska sea otter stock boundaries include Dixon Entrance Strait at the U.S.–Canada border to the south and Cape Yakataga, Alaska, to the north (USFWS 2014a, b, c). However, the largest abundances of sea otters in Southeast Alaska are found in the northern part of this range and expanding south to east (Tinker et al. 2019).

The Service conducted large-scale surveys in cooperation with the U.S. Geological Survey in 2003 and 2010 in southern Southeast Alaska (from Kake to Duke Island and Cape Chacon) and in

2002 and 2011 in northern Southeast Alaska (from Icy Point to Cape Ommaney). In these aerial surveys, transects were flown over high-density otter habitat (<40 m [131 ft] ocean depth) with a spacing of 2 km (1.2 mi) between transects and low-density otter habitat (40 to 100 m [131 to 328 ft] ocean depth) with a spacing of 8 km (5 mi) between transects.

This survey data has been incorporated into a spatiotemporal model of ecological diffusion using a Bayesian hierarchical framework (Eisaguirre et al. 2021). This model was used to develop the most recent estimate of 26,347 otters in the Southeast Alaska stock, and generated otter abundance estimates at a resolution of 400 m by 400 m. Abundance values within the project area ranged from 0.1 to 0.3 otters per 0.16 square kilometer (km²) (0.062 square miles [mi²]). Distribution of the population during the proposed project is likely to be similar to that detected during sea otter surveys, as work will occur during the same time of the year that these surveys were conducted.

Southcentral Alaska Sea Otter Stock

The Southcentral Alaska sea otter stock occurs in the center of the sea otter range in Alaska and extends from Cape Yakataga in the east to Cook Inlet in the west, including Prince William Sound, the eastern Kenai Peninsula coast, and Kachemak Bay (USFWS 2014a, b, c). Between 2014 and 2019, aerial surveys have been conducted in three regions of the Southcentral Alaska sea otter stock: (1) Eastern Cook Inlet, (2) Outer Kenai Peninsula, and (3) Prince William Sound by aerial transects flown at 91 m (298.56 ft) of altitude. The combined estimates of the three regions resulted in an approximate 21,617 (SE = 2,190) sea otters and an average density of 1.96 sea otters/km² for the Southcentral Alaska stock (Esslinger et al. 2021). We applied a density of 21.15 sea otters/km² at Moorings Cordova and 2.31 sea otters/km² at Valdez and Seward (Weitzman and Esslinger 2015).

Southwest Alaska Sea Otter Stock

The Southwest Alaska sea otter stock occurs from western Cook Inlet to Attu Island in the Aleutian chain (USFWS 2014a, b, c). The Southwest Alaska sea otter stock was listed as threatened under the Endangered Species Act (ESA) in 2005 as a distinct population segment (DPS) (70 FR 46366, August 9, 2005). This stock is divided into five management units (MUs): Western Aleutians; Eastern Aleutians; South Alaska Peninsula; Bristol Bay; and

Kodiak, Kamishak, and Alaska Peninsula (USFWS 2013). The specified geographic region occurs within the range of the Kodiak, Kamishak, and Alaska Peninsula MUs.

The range of the Kodiak, Kamishak, and Alaska Peninsula MUs extends from Castle Cape to Western Cook Inlet on the southern side of the Alaska Peninsula and also encompasses Kodiak Island (USFWS 2020). The specified geographic region is within the range of the sea otter population at Kodiak Archipelago. Waters surrounding Kodiak Island were surveyed in 2014 using the same methods described above for the surveys of the Southeast and Southcentral Alaska stocks (Cobb 2018). The estimate of sea otter density that resulted from these surveys is 2.54 animals per km², which we used for the Kodiak site (Cobb 2018).

Potential Impacts of the Specified Activities on Marine Mammals

Effects of Noise on Sea Otters

We characterized “noise” as sound released into the environment from human activities that exceeds ambient levels or interferes with normal sound production or reception by sea otters. The terms “acoustic disturbance” or “acoustic harassment” are disturbances or harassment events resulting from noise exposure. Potential effects of noise exposure are likely to depend on the distance of the sea otter from the sound source, the level and intensity of sound the sea otter receives, background noise levels, noise frequency, noise duration, and whether the noise is pulsed or continuous. The actual noise level perceived by individual sea otters will also depend on whether the sea otter is above or below water and atmospheric and environmental conditions. Temporary disturbance of sea otters or localized displacement reactions are the most likely effects to occur from noise exposure.

Sea Otter Hearing

Pile driving and marine construction activities will fall within the hearing range of sea otters. Controlled sound exposure trials on southern sea otters (*Enhydra lutris nereis*) indicate that sea otters can hear frequencies between 125 hertz (Hz) and 38 kilohertz (kHz) with best sensitivity between 1.2 and 27 kHz (Ghoul and Reichmuth 2014). Aerial and underwater audiograms for a captive adult male southern sea otter in the presence of ambient noise suggest the sea otter’s hearing was less sensitive to high-frequency (greater than 22 kHz) and low-frequency (less than 2 kHz) sound than terrestrial mustelids but was

similar to that of a California sea lion (*Zalophus californianus*). However, the sea otter was still able to hear low-frequency sounds, and the detection thresholds for sounds between 0.125–1 kHz were between 116–101 decibel (dB), respectively. Dominant frequencies of southern sea otter vocalizations are between 3 and 8 kHz, with some energy extending above 60 kHz (McShane et al. 1995, Ghoul and Reichmuth 2012).

Exposure to high levels of sound may cause changes in behavior, masking of communications, temporary or permanent changes in hearing sensitivity, discomfort, and injury to marine mammals. Unlike other marine mammals, sea otters do not rely on sound to orient themselves, locate prey, or communicate under water; therefore, masking of communications by anthropogenic sound is less of a concern than for other marine mammals. However, sea otters, especially mothers and pups, do use sound for communication in air (McShane et al. 1995), and sea otters may monitor underwater sound to avoid predators (Davis et al. 1987).

Exposure Thresholds

Noise exposure criteria for identifying underwater noise levels capable of causing Level A harassment (injury) to marine mammal species, including sea otters, have been established using the same methods as those used by the National Marine Fisheries Service (NMFS) (Southall et al. 2019). These criteria are based on estimated levels of sound exposure capable of causing a permanent shift in sensitivity of hearing (*i.e.*, a permanent threshold shift (PTS) (NMFS 2018)). PTS occurs when noise exposure causes hairs within the inner ear system to die (Ketten 2012).

Sound exposure thresholds incorporate two metrics of exposure: the peak level of instantaneous exposure likely to cause PTS and the cumulative sound exposure level (SEL_{cum}) during a 24-hour period. They also include weighting adjustments for the sensitivity of different species to varying frequencies. PTS-based injury criteria were developed from theoretical extrapolation of observations of temporary threshold shifts (TTS) detected in lab settings during sound exposure trials (Finneran 2015). Southall and colleagues (2019) predict PTS for sea otters, which are included in the “other marine carnivores” category, will occur at 232 dB peak or 203 dB SEL_{cum} for impulsive underwater sound and 219 dB SEL_{cum} for nonimpulsive (continuous) underwater sound.

Thresholds based on TTS have been used as a proxy for Level B harassment (*i.e.*, 70 FR 1871, January 11, 2005; 71 FR 3260, January 20, 2006; 73 FR 41318, July 18, 2008). Southall et al. (2007) derived TTS thresholds for pinnipeds based on 212 dB peak and 171 dB SEL_{cum}. Exposures resulting in TTS in pinnipeds were found to range from 152 to 174 dB (183 to 206 dB SEL) (Kastak et al. 2005), with a persistent TTS, if not a PTS, after 60 seconds of 184 dB SEL (Kastak et al. 2008). Kastelein et al. (2012) found small but statistically significant TTSs at approximately 170 dB SEL (136 dB, 60 minutes (min)) and 178 dB SEL (148 dB, 15 min). Based on these findings, Southall et al. (2019) developed TTS thresholds for sea otters, which are included in the “other marine carnivores” category, of 188 dB SEL_{cum} for impulsive sounds and 199 dB SEL_{cum} for nonimpulsive sounds.

NMFS (2018) criteria do not identify thresholds for avoidance of Level B harassment. For pinnipeds (seals and sea lions), NMFS has adopted a 160-dB threshold for Level B harassment from exposure to impulsive noise and a 120-dB threshold for continuous noise (NMFS 1998, HESS 1999, NMFS 2018). These thresholds were developed from observations of mysticete (baleen) whales responding to airgun operations (*e.g.*, Malme et al. 1983; Malme and Miles 1983; Richardson et al. 1986, 1995) and from equating Level B harassment with noise levels capable of causing TTS in lab settings. Southall et

al. (2007, 2019) assessed behavioral response studies and found considerable variability among pinnipeds. The authors determined that exposures between approximately 90 to 140 dB generally do not appear to induce strong behavioral responses from pinnipeds in water. However, they found behavioral effects, including avoidance, become more likely in the range between 120 to 160 dB, and most marine mammals showed some, albeit variable, responses to sound between 140 to 180 dB. Wood et al. (2012) adapted the approach identified in Southall et al. (2007) to develop a probabilistic scale for marine mammal taxa at which 10 percent, 50 percent, and 90 percent of individuals exposed are assumed to produce a behavioral response. For many marine mammals, including pinnipeds, these response rates were set at sound pressure levels of 140, 160, and 180 dB, respectively.

We have evaluated these thresholds and determined that the Level B threshold of 120 dB for nonimpulsive noise is not applicable to sea otters. The 120-dB threshold is based on studies in which gray whales (*Eschrichtius robustus*) were exposed to experimental playbacks of industrial noise (Malme et al. 1983; Malme and Miles 1983). During these playback studies, southern sea otter responses to industrial noise were also monitored (Riedman 1983, 1984). Gray whales exhibited avoidance to industrial noise at the 120-dB threshold; however, there was no

evidence of disturbance reactions or avoidance in southern sea otters. Thus, given the different range of frequencies to which sea otters and gray whales are sensitive, the NMFS 120-dB threshold based on gray whale behavior is not appropriate for predicting sea otter behavioral responses, particularly for low-frequency sound.

Based on the lack of sea otter disturbance response or any other reaction to the 1980’s playback studies and the absence of a clear pattern of disturbance or avoidance behaviors attributable to underwater sound levels up to about 160 dB resulting from low-frequency broadband noise, we assume 120 dB is not an appropriate behavioral response threshold for sea otters exposed to continuous underwater noise.

Based on the best available scientific information about sea otters and closely related marine mammals when sea otter data are limited, the Service has set 160 dB of received underwater sound as a threshold for Level B harassment by disturbance for sea otters for these ITRs. Exposure to unmitigated in-water noise levels between 125 Hz and 38 kHz that are greater than 160 dB—for both impulsive and nonimpulsive sound sources—will be considered by the Service as Level B harassment. Thresholds for Level A harassment (which entails the potential for injury) will be 232 dB peak or 203 dB SEL for impulsive sounds and 219 dB SEL for continuous sounds (table 2).

TABLE 2—TEMPORARY THRESHOLD SHIFT (TTS) AND PERMANENT THRESHOLD SHIFT (PTS) THRESHOLDS ESTABLISHED BY SOUTHALL ET AL. (2019) THROUGH MODELING AND EXTRAPOLATION FOR “OTHER MARINE CARNIVORES,” WHICH INCLUDES SEA OTTERS.

[Values are weighted for other marine carnivores’ hearing thresholds and given in cumulative sound exposure level (SEL_{CUM} dB re (20 micropascal (μPa) in air and SEL_{CUM} dB re 1 μPa in water) for impulsive and nonimpulsive sounds and unweighted peak sound pressure level (SPL) in air (dB re 20μPa) and water (dB 1μPa) (impulsive sounds only)]

	TTS			PTS		
	Nonimpulsive	Impulsive		Nonimpulsive	Impulsive	
	SEL _{CUM}	SEL _{CUM}	Peak SPL	SEL _{CUM}	SEL _{CUM}	Peak SPL
Air	157	146	170	177	161	176
Water	199	188	226	219	203	232

Airborne Sounds

The NMFS (2018) guidance neither addresses thresholds for preventing injury or disturbance from airborne noise, nor provides thresholds for avoidance of Level B harassment. Southall et al. (2007) suggested thresholds for PTS and TTS for sea lions exposed to nonpulsed airborne noise of 172.5 and 159 dB re (20 μPa)²-s SEL. Conveyance of underwater noise into the air is of little concern since the

effects of pressure release and interference at the water’s surface reduce underwater noise transmission into the air. For activities that create both in-air and underwater sounds, we will estimate take based on parameters for underwater noise transmission. Considering sound energy travels more efficiently through water than through air, this estimation will also account for exposures to sea otters at the surface.

Evidence From Sea Otter Studies

Sea otters may be more resistant to the effects of sound disturbance and human activities than other marine mammals. For example, observers have noted no changes from southern sea otters in regard to their presence, density, or behavior in response to underwater sounds from industrial noise recordings at 110 dB and a frequency range of 50 Hz to 20 kHz and airguns, even at the closest distance of 0.5 nautical miles (<1

km or 0.6 mi) (Riedman 1983). Southern sea otters did not respond noticeably to noise from a single 1,638 cubic centimeters (cm³) (100 cubic inches [in³]) airgun, and no sea otter disturbance reactions were evident when a 67,006 cm³ (4,089 in³) airgun array was as close as 0.9 km (0.6 mi) to sea otters (Riedman 1983, 1984).

However, southern sea otters displayed slight reactions to airborne engine noise (Riedman 1983). Northern sea otters were observed to exhibit a limited response to a variety of airborne and underwater sounds, including a warble tone, sea otter pup calls, calls from killer whales (*Orcinus orca*) (which are predators to sea otters), air horns, and an underwater noise harassment system designed to drive marine mammals away from crude oil spills (Davis et al. 1988). These sounds elicited reactions from northern sea otters, including startle responses and movement away from noise sources. However, these reactions were only observed when northern sea otters were within 100–200 m (328–656 ft) of noise sources. Further, northern sea otters appeared to become habituated to the noises within 2 hours or, at most, 3–4 days (Davis et al. 1988).

Noise exposure may be influenced by the amount of time sea otters spend at the water's surface. Noise at the water's surface can be attenuated by turbulence from wind and waves more quickly compared to deeper water, reducing potential noise exposure (Greene and Richardson 1988, Richardson et al. 1995). Additionally, turbulence at the water's surface limits the transference of sound from water to air. A sea otter with its head above water will be exposed to only a small fraction of the sound energy traveling through the water beneath it. The average amount of time that sea otters spend above the water each day while resting and grooming varies between males and females and across seasons (Esslinger et al. 2014, Zellmer et al. 2021). For example, female sea otters foraged for an average of 8.78 hours per day compared to male sea otters, which foraged for an average of 7.85 hours per day during the summer months (Esslinger et al. 2014). Male and female sea otters spend an average of 63 to 67 percent of their day at the surface resting and grooming during the summer months (Esslinger et al. 2014). Few studies have evaluated foraging times during the winter months. Garshelis et al. (1986) found that foraging times increased from 5.1 hours per day to 16.6 hours per day in the winter; however, Gelatt et al. (2002) did not find a significant difference in seasonal foraging times. It is likely that

seasonal variation is determined by seasonal differences in energetic demand and the quality and availability of prey sources (Esslinger et al. 2014). These findings suggest that the large portion of the day sea otters spend at the surface may help limit sea otters' exposure during noise-generating operations.

Sea otter sensitivity to industrial activities may be influenced by the overall level of human activity within the sea otter population's range. In locations that lack frequent human activity, sea otters appear to have a lower threshold for disturbance. Sea otters in Alaska exhibited escape behaviors in response to the presence and approach of vessels (Udevitz et al. 1995). Behaviors included diving or actively swimming away from a vessel, sea otters on haulouts entering the water, and groups of sea otters disbanding and swimming in multiple different directions (Udevitz et al. 1995). Sea otters in Alaska were also observed to avoid areas with heavy boat traffic, in the summer, and return to these areas during seasons with less vessel traffic (Garshelis and Garshelis 1984). In Cook Inlet, sea otters drifting on a tide trajectory that would have taken them within 500 m (0.3 mi) of an active offshore drilling rig were observed to swim in order to avoid a close approach of the drilling rig despite near-ambient noise levels (BlueCrest 2014).

Individual sea otters in the coastal waters of the GOA will likely show a range of responses to noise from pile-driving activities. Some sea otters will likely show startle responses, change direction of travel, dive, or prematurely surface. Sea otters reacting to pile-driving activities may divert time and attention from biologically important behaviors, such as feeding and nursing pups. Sea otter responses to disturbance can result in energetic costs, which increases the amount of prey required by sea otters (Barrett 2019). This increased prey consumption may impact sea otter prey availability and cause sea otters to spend more time foraging and less time resting (Barrett 2019). Some sea otters may abandon the project area and return when the disturbance has ceased. Based on the observed movement patterns of sea otters (*i.e.*, Lensink 1962; Kenyon 1969, 1981; Garshelis and Garshelis 1984; Riedman and Estes 1990; Tinker and Estes 1996), we expect some individuals will respond to pile-driving activities by dispersing to nearby areas of suitable habitat; however, other sea otters, especially territorial adult males, are less likely to be displaced.

Consequences of Disturbance

The reactions of wildlife to disturbance can range from short-term behavioral changes to long-term impacts that affect survival and reproduction. When disturbed by noise, animals may respond behaviorally (*e.g.*, escape response) or physiologically (*e.g.*, increased heart rate, hormonal response) (Harms et al. 1997; Tempel and Gutiérrez 2003). The energy expense and associated physiological effects could ultimately lead to reduced survival and reproduction (Gill and Sutherland 2000; Frid and Dill 2002). For example, South American sea lions (*Otaria byronia*) visited by tourists exhibited an increase in the state of alertness and a decrease in maternal attendance and resting time on land, thereby potentially reducing population size (Pavez et al. 2015). In another example, killer whales that lost feeding opportunities due to boat traffic faced a substantial (18 percent) estimated decrease in energy intake (Williams et al. 2006). Such disturbance effects can have population-level consequences. Increased disturbance rates have been associated with a decline in abundance of bottlenose dolphins (*Tursiops* spp.) (Bejder et al. 2006; Lusseau et al. 2006).

These examples illustrate direct effects on survival and reproductive success, but disturbances can also have indirect effects. Response to noise disturbance is considered a nonlethal stimulus that is similar to an antipredator response (Frid and Dill 2002). Sea otters are susceptible to predation, particularly from killer whales and eagles, and have a well-developed antipredator response to perceived threats. For example, the presence of a harbor seal (*Phoca vitulina*) did not appear to disturb southern sea otters, but they demonstrated a fear response in the presence of a California sea lion by actively looking above and beneath the water (Limbaugh 1961).

Although an increase in vigilance or a flight response is nonlethal, a tradeoff occurs between risk avoidance and energy conservation. An animal's reactions to noise disturbance may cause stress and direct an animal's energy away from fitness-enhancing activities such as feeding and mating (Frid and Dill 2002; Goudie and Jones 2004). For example, southern sea otters in areas with heavy recreational boat traffic demonstrated changes in behavioral time budgeting, showing decreased time resting and changes in haulout patterns and distribution (Benham 2006; Maldini et al. 2012). Chronic stress can also lead to

weakened reflexes, lowered learning responses (Welch and Welch 1970; van Polanen Petel et al. 2006), compromised immune function, decreased body weight, and abnormal thyroid function (Selye 1979).

Changes in behavior resulting from anthropogenic disturbance can include increased agonistic interactions between individuals or temporary or permanent abandonment of an area (Barton et al. 1998). Additionally, the extent of previous exposure to humans (Holcomb et al. 2009), the type of disturbance (Andersen et al. 2012), and the age or sex of the individuals (Shaughnessy et al. 2008; Holcomb et al. 2009) may influence the type and extent of response in individual sea otters.

Vessel Activities

Vessel collisions with marine mammals can result in death or serious injury. Wounds resulting from vessel strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus 2001). An animal may be harmed by a vessel when the vessel runs over the animal at the surface, the animal hits the bottom of a vessel while the animal is surfacing, or the animal is cut by a vessel's propeller.

Vessel strike has been documented as a cause of death across all three stocks of northern sea otters in Alaska. Since 2002, the Service has conducted 1,433 sea otter necropsies to determine cause of death, disease incidence, and the general health status of sea otters in Alaska. Vessel strike or blunt trauma was identified as a definitive or presumptive cause of death in 65 cases (4 percent) (USFWS 2020). In most of these cases, trauma was determined to be the ultimate cause of death; however, there was a contributing factor, such as disease or biotoxin exposure, which incapacitated the sea otter and made it more vulnerable to vessel strike (USFWS 2014 a, b, c).

Vessel speed influences the likelihood of vessel strikes involving sea otters. The probability of death or serious injury to a marine mammal increases as vessel speed increases (Laist et al. 2001, Vanderlaan and Taggart 2007). Sea otters spend a considerable portion of their time at the water's surface (Esslinger et al. 2014). They are typically visually aware of approaching vessels and can move away if a vessel is not traveling too quickly. Mitigation measures to be applied to vessel operations to prevent collisions or interactions are included below in the rule portion of this document under proposed § 18.149 Mitigation.

Sea otters exhibit behavioral flexibility in response to vessels, and their responses may be influenced by the intensity and duration of the vessel's activity. As noted above, sea otter populations in Alaska were observed to avoid areas with heavy vessel traffic but return to those same areas during seasons with less vessel traffic (Garshelis and Garshelis 1984). Sea otters have also shown signs of disturbance or escape behaviors in response to the presence and approach of survey vessels including sea otters diving and/or actively swimming away from a vessel, sea otters on haulouts entering the water, and groups of sea otters disbanding and swimming in multiple different directions (Udevitz et al. 1995).

Additionally, sea otter responses to vessels may be influenced by the sea otter's previous experience with vessels. Groups of southern sea otters in two locations in California showed markedly different responses to kayakers approaching to within specific distances, suggesting a different level of tolerance between the groups (Gunvalson 2011). Benham (2006) found evidence that the sea otters exposed to high levels of recreational activity may have become more tolerant than individuals in less-disturbed areas. Sea otters off the California coast showed only mild interest in vessels passing within hundreds of meters and appeared to have habituated to vessel traffic (Riedman 1983, Curland 1997). These findings indicate that sea otters may adjust their responses to vessel activities depending on the level of activity. Vessels will not be used extensively or over a long duration during the proposed work; therefore, we do not anticipate that sea otters will experience changes in behavior indicative of tolerance or habituation.

Effects on Sea Otter Habitat and Prey

Physical and biological features of habitat essential to the conservation of sea otters include the benthic invertebrates that sea otters eat and the shallow rocky areas and kelp beds that provide cover from predators. Important sea otter habitat in the project area includes coastal areas within the 40-m (131-ft) depth contour where high densities of sea otters have been detected.

Industrial activities, such as pile driving, may generate in-water noise at levels that can temporarily displace sea otters from important habitat and impact sea otter prey species. The primary prey species for sea otters are sea urchins (*Strongylocentrotus* spp. and *Mesocentrotus* spp.), abalone

(*Haliotis* spp.), clams (e.g., *Clinocardium nuttallii*, *Leukoma staminea*, and *Saxidomus gigantea*), mussels (*Mytilus* spp.), crabs (e.g., *Metacarcinus magister*, *Pugettia* spp., *Telemessus cheiragonus*, and *Cancer* spp.), and squid (*Loligo* spp.) (Tinker and Estes 1996, LaRoche et al. 2021). When preferential prey are scarce, sea otters will also eat kelp, slow-moving benthic fishes, sea cucumbers (e.g., *Apostichopus californicus*), egg cases of rays, turban snails (*Tegula* spp.), octopuses (e.g., *Octopus* spp.), barnacles (*Balanus* spp.), sea stars (e.g., *Pycnopodia helianthoides*), scallops (e.g., *Patinopecten caurinus*), rock oysters (*Saccostrea* spp.), worms (e.g., *Eudistylia* spp.), and chitons (e.g., *Mopalia* spp.) (Riedman and Estes 1990, Davis and Bodkin 2021).

Several studies have addressed the effects of noise on invertebrates (Tidau and Briffa 2016, Carroll et al. 2017). Behavioral changes, such as an increase in lobster (*Homarus americanus*) feeding levels (Payne et al. 2007), an increase in avoidance behavior by wild-caught captive reef squid (*Sepioteuthis australis*) (Fewtrell and McCauley 2012), and deeper digging by razor clams (*Sinonovacula constricta*) (Peng et al. 2016) have been observed following experimental exposures to sound. Physical changes have also been observed in response to increased sound levels, including changes in serum biochemistry and hepatopancreatic cells in lobsters (Payne et al. 2007) and long-term damage to the statocysts required for hearing in several cephalopod species (André et al. 2011, Solé et al. 2013). De Soto et al. (2013) found impaired embryonic development in scallop (*Pecten novaezelandiae*) larvae when exposed to 160 dB. Christian et al. (2003) noted a reduction in the speed of egg development of bottom-dwelling crabs following exposure to noise; however, the sound level (221 dB at 2 m or 6.6 ft) was far higher than the proposed project activities will produce. Industrial noise can also impact larval settlement by masking the natural acoustic settlement cues for crustaceans and fish (Pine et al. 2012, Simpson et al. 2016, Tidau and Briffa 2016).

While these studies provide evidence of deleterious effects to invertebrates as a result of increased sound levels, Carroll et al. (2017) caution that there is a wide disparity between results obtained in field and laboratory settings. In experimental settings, changes were observed only when animals were housed in enclosed tanks and many were exposed to prolonged bouts of continuous, pure tones. We would not expect similar results in open marine

conditions. It is unlikely that noises generated by project activities will have any lasting effect on sea otter prey given the short-term duration of sounds produced by each component of the proposed work.

Noise-generating activities that interact with the seabed can produce vibrations, resulting in the disturbance of sediment and increased turbidity in the water. Although turbidity is likely to have little impact on sea otters and prey species (Todd et al. 2015), there may be some impacts from vibrations and increased sedimentation. For example, mussels (*Mytilus edulis*) exhibited changes in valve gape and oxygen demand, and hermit crabs (*Pagurus bernhardus*) exhibited limited behavioral changes in response to vibrations caused by pile driving

(Roberts et al. 2016). Increased sedimentation is likely to reduce sea otter visibility, which may result in reduced foraging efficiency and a potential shift to less-preferred prey species. These outcomes may cause sea otters to spend more energy on foraging or processing the prey items; however, the impacts of a change in energy expenditure are not likely seen at the population level (Newsome et al. 2015). Additionally, the benthic invertebrates may be impacted by increased sedimentation, resulting in higher abundances of opportunistic species that recover quickly from industrial activities that increase sedimentation (Kotta et al. 2009). Although sea otter foraging could be impacted by industrial activities that cause vibrations and

increased sedimentation, it is more likely that sea otters would be temporarily displaced from the project area due to impacts from noise rather than vibrations and sedimentation.

Potential Impacts of the Specified Activities on Subsistence Uses

The proposed specified activities will occur near marine subsistence harvest areas used by Alaska Natives from areas surrounding the USCG facilities in Kodiak, Sitka, Ketchikan, Valdez, Cordova, Juneau, Petersburg, and Seward.

Table 3 shows the numbers of sea otters taken by subsistence hunting between 2017 and 2021 in the communities in which the specified activities are proposed.

TABLE 3—SUBSISTENCE HUNTING TOTALS AND AVERAGES OF SEA OTTERS FROM 2017 TO 2021 IN THE COMMUNITIES OF THE PROPOSED MARINE CONSTRUCTION AND PILE-DRIVING ACTIVITIES

Village	2017	2018	2019	2020	2021	Total	Average (rounded to nearest whole number)
Cordova	75	50	40	49	67	281	56
Juneau	10	10	19	89	12	140	28
Ketchikan	0	1	12	35	89	137	27
Kodiak	59	14	58	10	51	192	38
Petersburg	27	27	0	37	0	91	18
Seward	0	0	0	0	0	0	0
Sitka	341	161	231	86	137	956	191
Valdez	36	19	34	6	2	97	19

Subsistence harvest of sea otters around Kodiak Island takes place primarily in Ouzinkie, Kodiak, and Port Lions with totals of 422, 192, and 130 sea otters taken, respectively, from 2017 through 2021. Subsistence harvest also occurs in Akhiok, Larsen Bay, and Old Harbor, with a total of 26 sea otters taken in those 3 communities over the same time period.

Of the communities on the Admiralty, Baranof, and Chichagof Islands, most subsistence harvest of sea otters occurs in Sitka. From 2017 through 2021, subsistence hunters took 956 sea otters in Sitka, averaging 191 per year. A combined total of 304 sea otters were taken during that time from Port Alexander, Angoon, Hoonah, and Pelican, with an average of 61 sea otters harvested per year from all those communities combined.

The majority of sea otter harvests in the Ketchikan area occur in the communities on Prince of Wales Island. From 2017 to 2021, Coffman Cove, Craig, Hydaburg, and Klawock harvested a total of 772 sea otters. During that time, 137 otters were taken for subsistence use in Ketchikan.

Subsistence harvest of sea otters also occurs in Metlakatla, though there were no documented takes between 2017 and 2019 and 57 total between 2020 and 2021.

The subsistence use of sea otters in Valdez and Cordova has averaged 19 and 56 per year, respectively, from 2017 through 2021. In the surrounding area, Tatitlek has harvested an average of 6 sea otters per year for a total of 32 during that time.

Among Juneau and the surrounding communities, Hoonah takes the most sea otters by subsistence hunting. From 2017 through 2021, subsistence users in Hoonah took 275 otters, averaging 55 per year. In comparison, 140 sea otters were harvested in Juneau during that time. Angoon and Haines also take sea otters for subsistence, but in much smaller numbers. Angoon took 6 sea otters between 2017 and 2021, and all were harvested in 2018; Haines took 10 total during that time period, averaging 2 per year.

The majority of subsistence sea otter hunting in the Petersburg area takes place in the neighboring communities of Kake and Wrangell. Petersburg averaged

18 sea otters taken per year between 2017 and 2021. Kake had a total of 612 and averaged 122 annually, and Wrangell totaled 211 and averaged 42 per year over that timeframe.

No subsistence harvest of sea otters has been documented in Seward since 2017. The nearby community of Chenega Bay has no documented harvest of sea otters since 2018, and only six sea otters were harvested in 2017.

As all work sites are active USCG facilities, the proposed project does not overlap with current subsistence harvest areas. Construction activities will not preclude access to hunting areas or interfere in any way with individuals wishing to hunt. Furthermore, most USCG facilities are within developed areas and city limits, where firearm use is prohibited. Despite no conflict with subsistence use being anticipated, the Service will be conducting outreach with potentially affected communities to see whether there are any questions, concerns, or potential conflicts regarding subsistence use in those areas. If any conflicts are identified in the future, USCG will develop a plan of

cooperation specifying the particular steps necessary to minimize any effects the project may have on subsistence harvest.

Estimated Take

Definitions of Incidental Take Under the Marine Mammal Protection Act

Below we provide definitions of three potential types of take of sea otters. The Service does not anticipate and is not authorizing lethal take or take by Level A harassment as a part of the proposed rule; however, the definitions of these take types are provided for context and background:

Lethal Take—Human activity may result in biologically significant impacts to sea otters. In the most serious interactions, human actions can result in mortality of sea otters.

Level A Harassment—Human activity may result in the injury of sea otters. Level A harassment, for nonmilitary readiness activities, is defined as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild.

Level B Harassment—Level B Harassment for nonmilitary readiness activities means any act of pursuit, torment, or annoyance that 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, feeding, or sheltering. Changes in behavior that disrupt biologically significant behaviors or activities for the affected animal are indicative of take by Level B harassment under the MMPA.

The Service has identified the following sea otter behaviors as indicating possible Level B harassment:

- Swimming away at a fast pace on belly (*i.e.*, porpoising);

- Repeatedly raising the head vertically above the water to get a better view (spyhopping) while apparently agitated or while swimming away;
- In the case of a pup, repeatedly spyhopping while hiding behind and holding onto its mother’s head;
- Abandoning prey or feeding area;
- Ceasing to nurse and/or rest (applies to dependent pups);
- Ceasing to rest (applies to independent animals);
- Ceasing to use movement corridors;
- Ceasing mating behaviors;
- Shifting/jostling/agitation in a raft so that the raft disperses;
- Sudden diving of an entire raft; or
- Flushing animals off a haulout.

This list is not meant to encompass all possible behaviors; other behavioral responses may equate to take by Level B harassment. Relatively minor changes in behavior such as increased vigilance or a short-term change in direction of travel are not likely to disrupt biologically important behavioral patterns, and the Service does not view such minor changes in behavior as indicative of a take by Level B harassment. It is also important to note that, depending on the duration, frequency, or severity of the above-described behaviors, such responses could constitute take by Level A harassment.

Calculating Take

We assumed all animals exposed to underwater sound levels that meet the acoustic exposure criteria defined above in *Exposure Thresholds* will experience take by Level B harassment due to exposure to underwater noise. Spatially explicit zones of ensonification were established around the proposed construction location to estimate the number of otters that may be exposed to these sound levels. We determined the number of otters present in the ensonification zones using density

information generated by Eisaguirre et al. (2021), Weitzman and Esslinger (2015), and Cobb (2018).

The project can be divided into five major components: rock socket drilling, vibratory hammering, pile cutting or clipping, power washing, and pile driving using an impact driver. Each of these components will generate a different type of in-water noise. Vibratory hammering, pile cutting, and power washing will produce nonimpulsive or continuous noise; impact driving will produce impulsive noise; and down-the-hole rock socket drilling is considered to produce both impulsive and continuous noise (NMFS 2020).

The level of sound anticipated from each project component was established using recorded data from several sources listed in tables 4 through 11. The NMFS Technical Guidance and User Spreadsheet (NMFS 2018, 2020) was used to determine the distance at which sound levels would attenuate to Level A harassment thresholds, and empirical data from the proxy projects were used to determine the distance at which sound levels would attenuate to Level B harassment thresholds (table 2). The weighting factor adjustment included in the NMFS user spreadsheet accounts for sound created in portions of an organism’s hearing range where they have less sensitivity. We used the weighting factor adjustment for otariid pinnipeds as they are the closest available physiological and anatomical proxy for sea otters. The spreadsheet also incorporates a transmission loss coefficient, which accounts for the reduction in sound level outward from a sound source. We used the NMFS-recommended transmission loss coefficient of 15 for coastal pile-driving activities to indicate simple spread (NMFS 2020).

TABLE 4—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG BASE KODIAK

Sound source	Down-the-hole drilling	Vibratory extraction/installation		Clipper timber piles	Hydraulic chainsaw timber piles
		Timber piles	Steel piles		
Sound level	159 dB SEL _{s-s} (167 dB re 1µPa RMS SPL mean maximum at 10 m).	153 dB re 1µPa RMS SPL mean maximum at 10 m.	162 dB re 1µPa RMS SPL mean maximum at 10 m.	153.8 dB re 1µPa RMS SPL mean maximum at 10 m.	151 dB re 1µPa RMS SPL mean maximum at 10 m.
Source	Heyvaert and Reyff 2021.	Greenbusch Group 2018.	Laughlin 2010; WSDOT 2020.	NAVFAC SW 2020 ...	NAVFAC SW 2020.
Timing per pile	60 minutes/pile; 36,000 strikes/pile.	10 minutes/pile	10 minutes/pile	2.4 minutes/pile	4.8 minutes/pile.
Maximum piles per day.	2	5	5	5	5.

TABLE 4—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG BASE KODIAK—Continued

Sound source	Down-the-hole drilling	Vibratory extraction/installation		Clipper timber piles	Hydraulic chainsaw timber piles
		Timber piles	Steel piles		
Number of days of activity per year.	10	10	10	10	10.
Total number of days of activity (5-year duration).	50	50	50	50	50.
Distance to below Level A harassment threshold.	16.9 meters	0.1 meters	0.3 meters	0.0 meters	0.0 meters.
Distance to below Level B harassment threshold.	29 meters	3 meters	14 meters	4 meters	3 meters.
Sea otter density	2.54/km ²				
Level B area (km ²)	0.002557	0.000028	0.000613	0.00005	0.000028.
Potential sea otters affected by sound per day.	0.0064958	0.0000717	0.0015562	0.0001270	0.0000717.
Potential sea otters affected by sound per day (rounded).	0	0	0	0	0.
Requested harassment events per year.	1	1	1	1	1.
Requested total harassment events (5-year duration).	5	5	5	5	5.

TABLE 5—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS SITKA

Sound source	Impact driver		Vibratory extraction/installation		Power washing
	Timber piles	Steel piles	Timber piles	Steel piles	
Sound level	160 dB SEL _{s-s} (170 dB re 1μPa RMS SPL mean maximum at 10 m).	177 dB SEL _{s-s} (190 dB re 1μPa RMS SPL mean maximum at 10 m).	153 dB re 1μPa RMS SPL mean maximum at 10 m.	162 dB re 1μPa RMS SPL mean maximum at 10 m.	161 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Caltrans 2020; WSDOT 2020.	Yurk et al. 2015	Greenbusch Group 2018.	Laughlin 2010; WSDOT 2020.	Austin 2017; 84 FR 12336, April 1, 2019.
Timing per pile	30 minutes/pile; 100 strikes/pile.	400 strikes/pile	10 minutes/pile	10 minutes/pile	30 minutes/pile.
Maximum piles per day.	5	1	5	5	5.
Number of days of activity per year.	5	5	5	5	5.
Total number of days of activity.	25	25	25	25	25.
Distance to below Level A harassment threshold.	0.7 meters	8.4 meters	0.1 meters	0.3 meters	0.1 meters.
Distance to below Level B harassment threshold.	46 meters	1,000 meters	3 meters	14 meters	12 meters.
Sea otter abundance in Level B area.	0.179174	1.593015	0.179174	0.179174	0.179174.
Potential sea otters affected by sound per day (rounded).	1	2	1	1	1.
Potential harassment events per year.	5	10	5	5	5.

TABLE 5—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS SITKA—Continued

Sound source	Impact driver		Vibratory extraction/installation		Power washing
	Timber piles	Steel piles	Timber piles	Steel piles	
Potential total harassment events (5-year duration).	25	50	25	25	25.

TABLE 6—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG BASE KETCHIKAN

Sound source	Down-the-hole drilling	Vibratory extraction/installation		Power washing
		Timber piles	Steel piles	
Sound level	159 dB SEL _{s-s} (167 dB re 1μPa RMS SPL mean maximum at 10 m).	153 dB re 1μPa RMS SPL mean maximum at 10 m.	162 dB re 1μPa RMS SPL mean maximum at 10 m.	161 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Heyvaert and Reyff 2021 ..	Greenbusch Group 2018 ..	Laughlin 2010; WSDOT 2020.	Austin 2017; 84 FR 12336, April 1, 2019.
Timing per pile	60 minutes/pile; 36,000 strikes/pile.	10 minutes/pile	10 minutes/pile	30 minutes/pile.
Maximum piles per day	2	5	5	5.
Number of days of activity per year.	10	10	10	10.
Total number of days of activity.	50	50	50	50.
Distance to below Level A harassment threshold.	16.9 meters	0.1 meters	0.3 meters	0.1 meters.
Distance to below Level B harassment threshold.	29 meters	3 meters	14 meters	12 meters.
Sea otter abundance in Level B area.	0.475403	0.254697	0.254697	0.254697.
Potential sea otters affected by sound per day (rounded).	1	1	1	1.
Potential harassment events per year.	10	10	10	10.
Potential total harassment events (5-year duration).	50	50	50	50.

TABLE 7—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS VALDEZ

Sound source	Impact driver		Vibratory extraction/installation		Power washing
	Timber piles	Steel piles	Timber piles	Steel piles	
Sound level	160 dB SEL _{s-s} (170 dB re 1μPa RMS SPL mean maximum at 10 m).	177 dB SEL _{s-s} (190 dB re 1μPa RMS SPL mean maximum at 10 m).	153 dB re 1μPa RMS SPL mean maximum at 10 m.	162 dB re 1μPa RMS SPL mean maximum at 10 m.	161 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Caltrans 2020; WSDOT 2020.	Yurk et al. 2015	Greenbusch Group 2018.	Laughlin 2010; WSDOT 2020.	Austin 2017; 84 FR 12336, April 1, 2019.
Timing per pile	30 minutes/pile; 100 strikes/pile.	400 strikes/pile	10 minutes/pile	10 minutes/pile	30 minutes/pile.
Maximum piles per day.	5	1	5	5	5.
Number of days of activity per year.	1	1	2	2	2.
Total number of days of activity.	5	5	10	10	10.

TABLE 7—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS VALDEZ—Continued

Sound source	Impact driver		Vibratory extraction/installation		Power washing
	Timber piles	Steel piles	Timber piles	Steel piles	
Distance to below Level A harassment threshold.	0.7 meters	8.4 meters	0.1 meters	0.3 meters	0.1 meters.
Distance to below Level B harassment threshold.	46 meters	1,000 meters	3 meters	14 meters	12 meters.
Sea otter density	2.31/km ²				
Level B area (km ²)	0.00663	1.45153	0.000028	0.000613	0.00045.
Potential sea otters affected by sound per day.	0.015313	3.353045	0.00000647	0.001416	0.00104.
Potential sea otters affected by sound per day (rounded).	1	4	0	0	0.
Requested harassment events per year.	1	4	1	1	1.
Requested total harassment events (5-year duration).	5	20	5	5	5.

TABLE 8—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS CORDOVA

Sound source	Impact driver steel piles	Vibratory extraction/installation steel piles
Sound level	177 dB SEL _{s-s} (190 dB re 1μPa RMS SPL mean maximum at 10 m).	162 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Yurk et al. 2015	Laughlin 2010; WSDOT 2020.
Timing per pile	400 strikes/pile	10 minutes/pile.
Maximum piles per day	1	5.
Number of days of activity—Year 2 only	6	6.
Total number of days of activity	6	6.
Distance to below Level A harassment threshold	8.4 meters	0.3 meters.
Distance to below Level B harassment threshold	1,000 meters	14 meters.
Sea otter density	21.15/km ²	
Level B area (km ²)	1.57	0.0006.
Potential sea otters affected by sound per day	33.2055	0.01269.
Potential sea otters affected by sound per day (rounded)	34	1.
Potential harassment events—Year 2 only	204	6.
Potential total harassment events (5-year duration)	204	6.

TABLE 9—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG STATION JUNEAU

Sound source	Impact driver timber piles	Vibratory extraction/installation timber piles	Power washing
Sound level	160 dB SEL _{s-s} (170 dB re 1μPa RMS SPL mean maximum at 10 m).	153 dB re 1μPa RMS SPL mean maximum at 10 m.	161 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Caltrans 2020; WSDOT 2020	Greenbusch Group 2018	Austin 2017; 84 FR 12336, April 1, 2019.
Timing per pile	30 minutes/pile; 100 strikes/pile ...	10 minutes/pile	30 minutes/pile.

TABLE 9—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG STATION JUNEAU—Continued

Sound source	Impact driver timber piles	Vibratory extraction/installation timber piles	Power washing
Maximum piles per day	5	5	5.
Number of days of activity per year	10	10	10.
Total number of days of activity	50	50	50.
Distance to below Level A harassment threshold.	0.7 meters	0.1 meters	0.1 meters.
Distance to below Level B harassment threshold.	46 meters	3 meters	12 meters.
Sea otter abundance in Level B area.	0.475403	0.179145	0.179145.
Potential sea otters affected by sound per day (rounded).	1	1	1.
Potential harassment events per year.	10	10	10.
Potential total harassment events (5-year duration).	50	50	50.

TABLE 10—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS PETERSBURG

Sound source	Impact driver		Vibratory extraction/installation		Power washing
	Timber piles	Steel piles	Timber piles	Steel piles	
Sound level	160 dB SEL _{s-s} (170 dB re 1μPa RMS SPL mean maximum at 10 m).	177 dB SEL _{s-s} (190 dB re 1μPa RMS SPL mean maximum at 10 m).	153 dB re 1μPa RMS SPL mean maximum at 10 m.	162 dB re 1μPa RMS SPL mean maximum at 10 m.	161 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Caltrans 2020; WSDOT 2020.	Yurk et al. 2015	Greenbusch Group 2018.	Laughlin 2010; WSDOT 2020.	Austin 2017; 84 FR 12336, April 1, 2019.
Timing per pile	30 minutes/pile; 100 strikes/pile.	400 strikes/pile	10 minutes/pile	10 minutes/pile	30 minutes/pile.
Maximum piles per day.	5	1	5	5	5.
Number of days of activity per year.	4	4	4	4	4.
Total number of days of activity.	20	20	20	20	20.
Distance to below Level A harassment threshold.	0.7 meters	8.4 meters	0.1 meters	0.3 meters	0.1 meters.
Distance to below Level B harassment threshold.	46 meters	1,000 meters	3 meters	14 meters	12 meters.
Sea otter abundance in Level B area.	0.347151	5.5504	0.176168	0.176168	0.176168.
Potential sea otters affected by sound per day (rounded).	1	6	1	1	1.
Potential harassment events per year.	4	24	4	4	4.
Potential total harassment events.	20	120	20	20	20.

TABLE 11—SUMMARY BY PROJECT COMPONENT OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS, DAYS OF IMPACT, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, AND TOTAL OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE AT USCG MOORINGS SEWARD

Sound source	Impact driver steel piles	Vibratory extraction/installation steel piles
Sound level	177 dB SEL _{s-s} (190 dB re 1μPa RMS SPL mean maximum at 10 m).	162 dB re 1μPa RMS SPL mean maximum at 10 m.
Source	Yurk et al. 2015	Laughlin 2010; WSDOT 2020.
Timing per pile	400 strikes/pile	10 minutes/pile.
Maximum piles per day	1	5.
Number of days of activity per year	4	4.
Total number of days of activity	4	4.
Distance to below Level A harassment threshold	8.4 meters	0.3 meters.
Distance to below Level B harassment threshold	1,000 meters	14 meters.
Sea otter density	2.31/km ²	
Level B area (km ²)	0.2386	0.0002.
Potential sea otters affected by sound per day	0.551166	0.000462.
Potential sea otters affected by sound per day (rounded)	1	0.
Requested harassment events—Year 3 only	4	1.
Requested total harassment events (5-year duration)	4	1.

Sound levels for all sources are unweighted and given in dB re 1 μPa. Nonimpulsive sounds are in the form of mean maximum root mean square (RMS) sound pressure level (SPL) as it is more conservative than cumulative sound exposure level (SEL) or peak SPL for these activities. Impulsive sound sources are in the form of SEL for a single strike.

To determine the number of sea otters that may experience in-water sounds >160 dB re 1μPa, we applied two different methods driven by the available survey data. For sites in Southeast Alaska (Sitka, Ketchikan, Petersburg, and Juneau; figures 2 through 5 in the supplemental figures document available at <https://www.regulations.gov> under Docket No. FWS–R7–ES–2022–0025), we determined the number of sea otters present in each 400-m×400-m pixel of the sea otter density raster digital map layer developed by Eisaguirre et al. (2021) and rounded these values to the nearest whole number. The numbers of sea otters present in the ensonified area for a given activity was derived by summing the values of the pixels that intersected with the polygon of the ensonified area. These values, as well as the number of sea otters expected to be exposed to sounds >160 dB re 1μPa in a given year and across the 5-year ITR period, can be found in tables 5, 6, 9, and 10.

For Kodiak, Seward, Valdez, and Cordova (figures 6 through 9 in the supplemental figures document available at <https://www.regulations.gov> under Docket No. FWS–R7–ES–2022–0025), we multiplied the area ensonified

to >160 dB re 1μPa by densities of animals derived from surveys conducted of the Kodiak Archipelago (Cobb 2018) and Prince William Sound (Weitzman and Esslinger 2015). These densities, as well as the number of sea otters expected to be exposed to sounds >160 dB re 1μPa in a given year and across the 5-year ITR period, can be found in tables 4, 7, 8, and 11.

For all locations, we assumed that the different types of activities would occur sequentially and that the total number of days of work in a year would equal the sum of the number of days required to complete each type of activity planned for that year. While it is possible that on some days more than one type of activity will take place, which would reduce the number of days of exposure within a year, we cannot know this information in advance. As such, the estimated number of days and, therefore, exposures per year is the maximum possible for the planned work. Where the number of exposures expected per day was zero to three or more decimal places (*i.e.*, <0.00X), the number of exposures per day was assumed to be zero. However, USCG has requested, and the Service is granting, authorization of one take per year as a contingency.

No Level A harassment (*i.e.*, injury) is anticipated or authorized. The specified activities are not anticipated to result in Level A harassment because the propagation distances for sounds capable of causing PTS, or other impacts that rise to the level of injury, are small enough that this type of exposure is preventable. While in-water sound levels will be capable of causing PTS

from up to 16.9 m from the source location, operations will be shut down should any marine mammal come within 20 m of project activities. Soft-start and zone clearance prior to startup will also prevent the exposure of marine mammals to sound levels that could cause PTS.

Critical Assumptions

We estimate that 25 takes of 5 Southwest Alaska sea otters by Level B harassment, 255 takes of 77 Southcentral Alaska sea otters by Level B harassment, and 700 takes of 115 Southeast Alaska sea otters by Level B harassment will occur due to USCG’s proposed dock construction activities. In order to conduct this analysis and estimate the potential amount of take by Level B harassment, several critical assumptions were made.

Level B harassment is equated herein with behavioral responses that indicate harassment or disturbance. A portion of animals likely respond in ways that indicate some level of disturbance but not to any biologically significant behaviors.

For sites in Southeast Alaska, sea otter density was calculated using a Bayesian hierarchical model created by Eisaguirre et al. (2021), which includes assumptions that can be found in the original publication. For sites in Southwest and Southcentral Alaska, sea otter densities were taken from surveys and analyses conducted by Cobb (2018) and Weitzman and Esslinger (2015). Methods and assumptions for each of these surveys can be found in the original publications.

Sound level estimates for construction activities were generated using sound source verification from recent pile-driving activities in a number of locations within and beyond Alaska. Environmental conditions in these locations, including water depth, substrate, and ambient sound levels are similar to those in the project location, but not identical. Further, estimation of ensonification zones were based on sound attenuation models using a simple spreading loss model. These factors may lead to actual sound values differing slightly from those estimated here.

Finally, the pile-driving activities described here will also create in-air noise. Because sea otters spend over half of their day with their heads above water (Esslinger et al. 2014), they will be exposed to an increase in air noise from

construction equipment. However, we have calculated Level B harassment with the assumption that an individual may be harassed only one time per 24-hour period, and underwater sound levels will be more disturbing and extend farther than in-air noise. Thus, while sea otters may be disturbed by noise both in air and underwater, we have relied on the more conservative underwater estimates.

Sum of Harassment From All Sources

USCG will conduct pile driving and marine construction activities over the GOA during a period of 5 years following the effective date of the final rule. A summary of total numbers of estimated takes by Level B harassment during the duration of the project by season and take category is provided in table 12.

In a single year, we estimate five instances of take by Level B harassment of one northern sea otter from the Southwest Alaska stock due to behavioral responses or TTS associated with noise exposure. Over the 5-year duration of these proposed ITRs, we estimate 25 instances of take by Level B harassment of 5 northern sea otters from the Southwest Alaska stock due to behavioral responses or TTS associated with noise exposure. Although multiple instances of harassment of otters are possible, these events are likely to result in only temporary changes in behavior. As such, these events are unlikely to have significant consequences for the health, reproduction, or survival of affected animals and, therefore, would not rise to the level of an injury or Level A harassment.

TABLE 12—SUMMARY BY PROJECT SITE AND STOCKS OF SEA OTTERS EXPECTED TO BE HARASSED THROUGH BEHAVIORAL DISTURBANCE, SEA OTTERS IN LEVEL B HARASSMENT ENSONIFICATION AREA, FOR SINGLE-YEAR OPERATIONS AND OVER THE 5-YEAR DURATION OF THE ITR

Location	Number of otters (single year)	Number of exposures (single year)	Number of otters (5 years)	Number of exposures (5 years)
Kodiak	1	5	5	25
Total Southwest Alaska stock	1	5	5	25
Seward	2	5	2	5
Valdez	8	8	40	40
Cordova	35	210	35	210
Total Southcentral Alaska stock	45	223	77	255
Sitka	6	30	30	150
Juneau	3	30	15	150
Petersburg	10	40	50	200
Ketchikan	4	40	20	200
Total Southeast Alaska stock	23	140	115	700
<i>Total all stocks</i>	69	368	197	980

In a single year, we estimate 223 instances of take by Level B harassment of 45 northern sea otters from the Southcentral Alaska stock due to behavioral responses or TTS associated with noise exposure. Over the 5-year duration of these proposed ITRs, we estimate 255 instances of take by Level B harassment of 77 northern sea otters from the Southcentral Alaska stock due to behavioral responses or TTS associated with noise exposure. Although multiple instances of harassment of otters are possible, these events are likely to result in only temporary changes in behavior. As such, these events are unlikely to have significant consequences for the health, reproduction, or survival of affected animals and, therefore, would not rise to

the level of an injury or Level A harassment.

In a single year, we estimate 140 instances of take by Level B harassment of 23 northern sea otters from the Southeast Alaska stock due to behavioral responses or TTS associated with noise exposure. Over the 5-year duration of these proposed ITRs, we estimate 700 instances of take by Level B harassment of 115 northern sea otters from the Southeast Alaska stock due to behavioral responses or TTS associated with noise exposure. Although an estimated 700 instances of harassment of 115 otters are possible, these events are likely to result in only temporary changes in behavior. As such, these events are unlikely to have significant consequences for the health, reproduction, or survival of affected

animals and, therefore, would not rise to the level of an injury or Level A harassment.

Determinations and Findings

Sea otters exposed to sound from the specified activities are likely to respond with temporary behavioral modification or displacement. The specified activities could temporarily interrupt the feeding, resting, and movement of sea otters. Because activities will occur during a limited amount of time and in a localized region, the impacts associated with the project are likewise temporary and localized. The anticipated effects are primarily short-term behavioral reactions and displacement of sea otters near active operations.

Sea otters that encounter the specified activity may exert more energy than they would otherwise due to temporary

cessation of feeding, increased vigilance, and retreat from the project area. We expect that affected sea otters will tolerate this exertion without measurable effects on health or reproduction. The anticipated takes will be due to short-term Level B harassment in the form of TTS, startling reactions, or temporary displacement.

With the adoption of the mitigation measures proposed in USCG's request and required by this proposed ITR, anticipated take was reduced. Those mitigation measures are further described below.

Small Numbers

To assess whether the authorized incidental taking would be limited to "small numbers" of marine mammals, the Service uses a proportional approach that considers whether the estimated number of marine mammals to be subjected to incidental take is small relative to the population size of the species or stock. More specifically, the Service compares the number of animals anticipated to be taken in each year contemplated by the ITR with the population estimate applicable to each of those years. Here, predicted levels of take were determined based on estimated density of sea otters in the project area and ensonification zones developed using empirical evidence from similar geographic areas. We estimate that the USCG projects may annually result in the incidental take of approximately:

- 1 sea otter from the Southwest Alaska stock, representing 0.000 percent of the best available estimate of that stock (USFWS 2020) ($1 \div 51,382 \approx 0.00000$);
- 45 sea otters from the Southcentral Alaska stock, representing 0.208 percent of the best available estimate that stock (Esslinger et al. 2021) ($45 \div 21,617 = 0.00208$); and
- 23 sea otters from the Southeast Alaska stock, representing 0.087 percent of the best available estimate of that stock (Eisaguirre et al. 2021) ($23 \div 26,347 = 0.000873$).

Based on these numbers, we propose a finding that USCG's specified activities projects will take only a small number of animals from each affected stock of northern sea otters.

We note ongoing litigation concerning a separate, recently issued ITR in which plaintiffs assert that the Service's "small numbers" analysis must aggregate the number of animals anticipated to be taken in each year contemplated by the ITR and compare that multiyear number to the population estimate applicable to 1 year. While we disagree with this approach, for the sake of providing the

applicant with regulatory certainty pending resolution of that litigation, we further analyze the "small numbers" question using this alternative approach and estimate the incidental take of:

- 5 sea otters from the Southwest Alaska stock, representing 0.011 percent of the best available estimate of that stock (USFWS 2020) ($5 \div 51,382 = 0.00010$);
- 77 sea otters from the Southcentral Alaska stock, representing 0.356 percent of the best available estimate that stock (Esslinger et al. 2021) ($77 \div 21,617 = 0.00356$); and
- 115 sea otters from the Southeast Alaska stock, representing 0.437 percent of the best available estimate of that stock (Eisaguirre et al. 2021) ($115 \div 26,347 = 0.004363$).

These alternative numbers also support our proposed finding that USCG's specified activities will take only a small number of animals from each affected stock of northern sea otters.

Negligible Impact

We propose a finding that any incidental take by harassment resulting from the specified activities cannot be reasonably expected to, and is not reasonably likely to, adversely affect the sea otter through effects on annual rates of recruitment or survival and will, therefore, have no more than a negligible impact on the Southwest, Southcentral, and Southeast Alaska stocks of northern sea otters. In making this finding, we considered the best available scientific information, including the biological and behavioral characteristics of the species, the most recent information on species distribution and abundance within the area of the specified activities, the current and expected future status of the stock (including existing and foreseeable human and natural stressors), the potential sources of disturbance caused by the project, and the potential responses of marine mammals to this disturbance. In addition, we reviewed USCG-provided materials, information in our files and datasets, published reference materials, and species experts.

Sea otters are likely to respond to proposed activities with temporary behavioral modification or temporary displacement. These reactions are not anticipated to have consequences for the long-term health, reproduction, or survival of affected animals. Most animals will respond to disturbance by moving away from the source, which may cause temporary interruption of foraging, resting, or other natural behaviors. Affected animals are expected to resume normal behaviors

soon after exposure with no lasting consequences. Each sea otter is estimated to be exposed to construction noise for between 1 and 10 days per year, resulting in repeated exposures. However, injuries (*i.e.*, Level A harassment or PTS) due to chronic sound exposure is estimated to occur at a longer time scale (Southall et al. 2019). The area that will experience noise greater than Level B thresholds due to rock-socket drilling and vibratory hammering is very small, and an animal that may be disturbed could easily escape the noise by moving to nearby quiet areas. Further, sea otters spend over half of their time above the surface during the summer months (Esslinger et al. 2014), and likely no more than 70 percent of their time foraging during winter months (Gelatt et al. 2002), thus their ears will not be exposed to continuous noise, and the amount of time it may take for permanent injury is considerably longer than that of mammals primarily under water. Some animals may exhibit some of the stronger responses typical of Level B harassment, such as fleeing, interruption of feeding, or flushing from a haulout. These responses could have temporary biological impacts for affected individuals but are not anticipated to result in measurable changes in survival or reproduction.

The total number of animals affected and severity of impact is not sufficient to change the current population dynamics at the stock scale. Although the specified activities may result in approximately 25 incidental takes of 5 sea otters from the Southwest Alaska stock, 255 incidental takes of 77 sea otters from the Southcentral Alaska stock, and 700 incidental takes of 115 otters from the Southeast Alaska stock, we do not expect this level of harassment to affect annual rates of recruitment or survival or result in adverse effects on the stock.

Our proposed finding of negligible impact applies to incidental take associated with the proposed activities as mitigated by the avoidance and minimization measures identified in USCG's mitigation and monitoring plan and applied in the rule portion of this document in proposed § 18.149 Mitigation, below. These mitigation measures are designed to minimize interactions with and impacts to sea otters. These measures and the monitoring and reporting procedures are required for the validity of our finding and are a necessary component of the proposed ITRs. For these reasons, we propose a finding that the 2022–2027 USCG project will have a negligible impact on the Southeast, Southcentral,

and Southwest Alaska stocks of northern sea otters.

Least Practicable Adverse Impacts

We find that the mitigation measures required by this proposed ITR will effect the least practicable adverse impacts on the stocks from any incidental take likely to occur in association with the specified activities. In making this finding, we considered the biological characteristics of sea otters, the nature of the specified activities, the potential effects of the activities on sea otters, the documented impacts of similar activities on sea otters, and alternative mitigation measures.

In evaluating what mitigation measures are appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses, we considered the manner and degree to which the successful implementation of the measures are expected to achieve this goal. We considered the nature of the potential adverse impact being mitigated (likelihood, scope, range), the likelihood that the measures will be effective if implemented, and the likelihood of effective implementation. We also considered the practicability of the measures for applicant implementation (e.g., cost, impact on operations). We assessed whether any additional, practicable requirements could be implemented to further reduce effects but did not identify any.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, USCG has proposed mitigation measures, including the following:

- Using the smallest diameter piles practicable while minimizing the overall number of piles;
- Conducting activities that may produce in-water sound as close to low tide as possible;
- Development of a marine mammal monitoring and mitigation plan;
- Establishment of shutdown and monitoring zones;
- Visual mitigation monitoring by designated Protected Species Observers (PSOs);
- Site clearance before startup;
- Soft-start procedures; and
- Shutdown procedures.

Impact on Subsistence Use

The proposed project will not preclude access to harvest areas or interfere with the availability of sea otters for harvest. Additionally, the USCG facilities are located in developed areas and largely within areas where firearm use is prohibited. We therefore propose a finding that USCG's

anticipated harassment will not have an unmitigable adverse impact on the availability of any stock of northern sea otters for taking for subsistence uses. In making this finding, we considered the timing and location of the proposed activities and the timing and location of subsistence harvest activities in the area of the proposed project.

Monitoring and Reporting

The purposes of the monitoring requirements are to document and provide data for assessing the effects of specified activities on sea otters; to ensure that take is consistent with that anticipated in the small numbers, negligible impact, and subsistence use analyses; and to detect any unanticipated effects on the species. Monitoring plans include steps to document when and how sea otters are encountered and their numbers and behaviors during these encounters. This information allows the Service to measure encounter rates and trends and to estimate numbers of animals potentially affected. To the extent possible, monitors will record group size, age, sex, reaction, duration of interaction, and closest approach to the project activity.

As proposed, monitoring activities will be summarized and reported in a formal report each year. USCG must submit a final monitoring report to us no later than 90 days after the expiration of the LOA. We will base each year's monitoring objective on the previous year's monitoring results. We will require an approved plan for monitoring and reporting the effects of pile driving and marine construction activities on sea otters prior to issuance of an LOA. We will require approval of the monitoring results for continued operation under the LOA.

We find that these proposed monitoring and reporting requirements to evaluate the potential impacts of planned activities will ensure that the effects of the activities remain consistent with the rest of the findings.

Request for Public Comments

If you wish to comment on these proposed regulations or the associated draft environmental assessment, you may submit your comments by any of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed regulations, the draft environmental assessment, or both, make your comments as specific as possible, confine them to issues pertinent to the proposed regulations, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific

section or paragraph that you are addressing. The Service will consider all comments that are received by the close of the comment period (see **DATES**).

Clarity of This Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must: (a) Be logically organized; (b) use the active voice to address readers directly; (c) use common, everyday words and clear language rather than jargon; (d) be divided into short sections and sentences; and (e) use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). We have preliminarily concluded that authorizing the nonlethal, incidental, unintentional take by Level B harassment of up to 5 incidental takes of 5 sea otters from the Southwest Alaska stock, 255 incidental takes of 77 sea otters from the Southcentral Alaska stock, and 700 incidental takes of 115 otters from the Southeast Alaska stock of sea otters in the specified geographic region during the regulatory period would not significantly affect the quality of the human environment, and thus, preparation of an environmental impact statement for these proposed incidental take regulations, if finalized, is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act (ESA)

Under the ESA (16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in

destruction or adverse modification of critical habitat. While neither the Southeast Alaska nor Southcentral Alaska stock is listed under the ESA, the Southwest Alaska stock is listed as threatened under the ESA. Prior to finalizing these proposed ITRs, if warranted, the Service will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of these ITRs. These evaluations and findings will be made available on the Service's website at <https://ecos.fws.gov/ecp/report/biological-opinion>.

Government-to-Government Consultation

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Alaska Native Tribes and organizations in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture, and to make information available to Alaska Natives. Our efforts are guided by the following policies and directives:

- (1) The Native American Policy of the Service (January 20, 2016);
- (2) the Alaska Native Relations Policy (currently in draft form);
- (3) Executive Order 13175 (January 9, 2000);
- (4) Department of the Interior Secretarial Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), and 3342 (October 21, 2016);
- (5) the Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and
- (6) the Department of the Interior's policies on consultation with Alaska Native Tribes and organizations.

We have evaluated possible effects of the proposed activities on federally recognized Alaska Native Tribes and organizations. The Service has determined that, due to this project's locations and activities, the Tribal organizations and communities across the Gulf of Alaska, as well as relevant Alaska Native Claims Settlement Act corporations, will not be impacted by this project. Regardless, we will be reaching out to them to inform them of the availability of these proposed regulations and offer them the opportunity to consult.

We invite continued discussion, either about the project and its impacts or about our coordination and

information exchange throughout the ITR process.

Regulatory Planning and Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules for a determination of significance. OMB has designated this proposed rule as not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

OIRA bases its determination of significance upon the following four criteria: (a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government; (b) whether the rule will create inconsistencies with other Federal agencies' actions; (c) whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients; and (d) whether the rule raises novel legal or policy issues.

Expenses will be related to, but not necessarily limited to: the development of requests for LOAs; monitoring, recordkeeping, and reporting activities conducted during pile driving and marine construction operations; development of activity- and species-specific marine mammal monitoring and mitigation plans; and coordination with Alaska Natives to minimize effects of operations on subsistence hunting. Realistically, costs of compliance with this proposed rule, if finalized, are minimal in comparison to those related to actual pile driving and marine construction operations. The actual costs to develop the petition for promulgation of regulations and LOA requests do not exceed \$200,000 per

year, short of the "major rule" threshold that would require preparation of a regulatory impact analysis.

Small Business Regulatory Enforcement Fairness Act

We have determined that this proposed rule, if finalized, is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The proposed rule is also not likely to result in a major increase in costs or prices for consumers, individual industries, or government agencies or have significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

We have determined that this proposed rule, if finalized, will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). USCG, and their contractors conducting pile driving and marine construction activities in the GOA, are the only entities subject to these proposed ITRs. Therefore, neither a regulatory flexibility analysis nor a small entity compliance guide is required.

Takings Implications

This proposed rule, if finalized, does not have takings implications under Executive Order 12630 because it authorizes the nonlethal, incidental, but not intentional, take of sea otters by marine construction and pile driving and, thereby, exempts the USCG from civil and criminal liability as long as they operate in compliance with the terms of their LOAs. Therefore, a takings implications assessment is not required.

Federalism Effects

This proposed rule, if finalized, does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132. The MMPA gives the Service the authority and responsibility to protect sea otters.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this proposed rule, if finalized, will not "significantly or uniquely" affect small governments. A small government agency plan is not required. The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act that this

rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. This proposed rule, if finalized, will not produce a Federal mandate of \$100 million or greater in any year, *i.e.*, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

Civil Justice Reform

The Departmental Solicitor’s Office has determined that this proposed rule, if finalized, will not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This proposed rule contains existing and new information collections. All information collections require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the information collection requirements associated with the incidental take of marine mammals during specified activities for this new subpart, as well as previously approved requirements in subparts J and K, and assigned OMB Control Number 1018–0070 (expires 01/31/2024).

In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our proposal to revise OMB Control Number 1018–0070. 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.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(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) 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, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this proposed rulemaking 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.

While this proposed rule pertains only to the incidental taking of northern sea otters, this information collection includes requirements associated with the incidental taking of polar bears, Pacific walruses, and northern sea otters in Alaska. The Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), imposed, with certain exceptions, a moratorium on the taking of marine mammals. Section 101(a)(5)(A) of the MMPA directs the Secretary of the Interior to allow, upon request by citizens of the United States, the taking of small numbers of marine mammals incidental to specified activities (other than commercial fishing) if the Secretary makes certain findings and prescribes specific regulations that, among other things, establish permissible methods of taking.

This is a nonform collection. Respondents must comply with the regulations at 50 CFR 18.27, which outline the procedures and requirements for submitting a request. Specific regulations governing authorized incidental take of marine mammal activities are contained in 50 CFR part 18, subparts J (incidental take of polar bears and Pacific walruses in the Beaufort Sea) and K (incidental take of northern sea otters in the Cook Inlet). These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine if it is appropriate to issue specific regulations and, subsequently, LOAs. We use the information to verify the findings required to issue incidental take

regulations, to decide if we should issue an LOA, and (if an LOA is issued) what conditions should be included in the LOA. In addition, we analyze the information to determine impacts to polar bears, Pacific walruses, northern sea otters, and the availability of those marine mammals for subsistence purposes of Alaska Natives.

The proposed revisions to existing and new reporting and/or recordkeeping requirements identified below require approval by OMB:

(1) *Addition of New Subpart*—With this proposed rulemaking (RIN 1018–BG05), we propose to add a new subpart, 50 CFR part 18, subpart L (U.S. Coast Guard) for a period of 5 years effective from the date of final issuance of these ITRs. This new subpart will not require new information collections beyond those contained in this submission, which were previously approved by OMB. The addition of subpart L does, however, require an adjustment to the previously approved burden for the application, reporting, and recordkeeping burden requirements.

(2) We are also proposing a revision to the previously approved “Onsite Monitoring and Observation Reports” information collection to split it into three separate information collections to more accurately account for burden for the various components under this specific section of the regulations:

a. *In-Season Monitoring (Activity Progress Reports)* (50 CFR 18.127(a)(1))—Activity progress reports. Holders of an LOA must:

- Notify the Service at least 48 hours prior to the onset of activities;
- Provide the Service weekly progress reports of any significant changes in activities and/or locations; and
- Notify the Service within 48 hours after ending of activities.

b. *In-Season Monitoring (Polar Bear Observation Reports)* (50 CFR 18.127(a)(3))—Holders of an LOA must report, within 48 hours, all observations of polar bears and potential polar bear dens, during any industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the Service). Information in the observation report must include, but is not limited to:

- Date, time, and location of observation;
- Number of bears;
- Sex and age of bears (if known);
- Observer name and contact information;
- Weather, visibility, sea state, and sea-ice conditions at the time of observation;

- Estimated closest distance of bears from personnel and facilities;
- Industry activity at time of sighting;
- Possible attractants present;
- Bear behavior;
- Description of the encounter;
- Duration of the encounter; and
- Mitigation actions taken.

c. *Notification of LOA Incident Report* (50 CFR 18.127(b))—Holders of an LOA must report, as soon as possible, but within 48 hours, all LOA incidents during any industry activity. An LOA incident is any situation when specified activities exceed the authority of an LOA, when a mitigation measure was required but not enacted, or when injury or death of a marine mammal occurs. Reports must include:

- All information specified for an observation report;
- A complete detailed description of the incident; and
- Any other actions taken.

In addition to the revisions described above, we are bringing the following existing regulatory requirements contained in part 18 that were not previously approved by OMB under the PRA into compliance:

(1) *Mitigation—Interaction Plan* (50 CFR 18.126(a)(1)(iii))—All holders of an LOA must have an approved polar bear safety, awareness, and interaction plan on file with the Service's Marine Mammals Management Office and onsite and provide polar bear awareness training to certain personnel. Interaction plans must include:

- The type of activity and where and when the activity will occur (*i.e.*, a summary of the plan of operation);
- A food, waste, and other "bear attractants" management plan;
- Personnel training policies, procedures, and materials;
- Site-specific walrus and polar bear interaction risk evaluation and mitigation measures;
- Polar bear avoidance and encounter procedures; and
- Polar bear observation and reporting procedures.

(2) *Mitigation 3rd-Party Notifications* (50 CFR 18.126(a)(2) and 18.126(e)(1))—All applicants for an LOA must contact affected subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the Service documentation of communications as described in § 18.122.

(3) *Mitigation—Requests for Exemption Waivers* (50 CFR 18.126(c)(4))—Exemption waivers to the operating conditions in 50 CFR 18.126(c) may be issued by the Service on a case-by-case basis, based upon a review of seasonal ice conditions and

available information on walrus and polar bear distributions in the area of interest.

(4) *Mitigation—Plan of Cooperation* (50 CFR 18.126(e)(2))—When appropriate, a holder of an LOA will be required to develop and implement a Service-approved plan of cooperation (POC). The POC must include a description of the procedures by which the holder of the LOA will work and consult with potentially affected subsistence hunters and a description of specific measures that have been or will be taken to avoid or minimize interference with subsistence hunting of walruses and polar bears and to ensure continued availability of the species for subsistence use. The Service will review the POC to ensure that any potential adverse effects on the availability of the animals are minimized. The Service will reject POCs if they do not provide adequate safeguards to ensure the least practicable adverse impact on the availability of walruses and polar bears for subsistence use.

We also propose to renew the existing reporting and/or recordkeeping requirements identified below:

(1) *Application for Regulations*—Regulations at 50 CFR part 18 require the applicant to provide information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity. Applicants can find specific requirements in 50 CFR part 18, subparts J and K. These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine whether to issue specific regulations and, subsequently, LOAs. The required information includes:

- A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals.
- The dates and duration of such activity and the specific geographical region where it will occur.
- Based on the best available scientific information, each applicant must also provide:

—An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions;

—The type of taking (*e.g.*, disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

—A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

—The anticipated impact of the activity upon the species or stocks; and

—The anticipated impact of the activity on the availability of the species or stocks for subsistence uses.

- The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat.

- The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.)

- Suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity.

- Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

- Applicants must develop and implement a site-specific (or umbrella plan addressing site-specific considerations), Service-approved marine mammal monitoring and mitigation plan to monitor and evaluate the effectiveness of mitigation measures and the effects of activities on marine mammals and the subsistence use of these species.

- Applicants must also provide trained, qualified, and Service-approved onsite observers to carry out monitoring and mitigation activities identified in the marine mammal monitoring and mitigation plan.

This information is necessary so that we can anticipate the impact of the activity on the species or stocks and on the availability of the species or stocks for subsistence uses. Under requirements of the MMPA, we cannot authorize a take unless the total of all takes will have a negligible impact on the species or stocks and, where appropriate, will not have an

unmitigable adverse impact on the availability of the species or stocks for subsistence uses. These requirements ensure that applicants are aware of related monitoring and research efforts they can apply to their situation, and that the monitoring and reporting that we impose are the least burdensome to the applicant.

(2) *Final Monitoring Report*—The results of monitoring and mitigation efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the Service for review within 90 days of the expiration of an LOA. Upon request, final report data must be provided in a common electronic format (to be specified by the Service). Information in the final (or annual) report must include, but is not limited to:

- Copies of all observation reports submitted under the LOA;
- A summary of the observation reports;
- A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;
- Analysis of factors affecting the visibility and detectability of walruses and polar bears during monitoring;
- Analysis of the effectiveness of mitigation measures;
- Analysis of the distribution, abundance, and behavior of walruses and/or polar bears observed; and
- Estimates of take in relation to the specified activities.

(3) *Requests for Letters of Authorization (LOA)*—LOAs, which may be issued only to U.S. citizens, are required to conduct activities pursuant to any specific regulations established. Once specific regulations are effective, the Service will, to the maximum extent possible, process subsequent requests for LOAs within 30 days after receipt of the request by the Service. All LOAs will specify the period of validity and any additional terms and conditions appropriate for the specific request. Issuance of LOAs will be based on a determination that the level of taking will be consistent with the findings

made for the total taking allowable under the specific regulations.

(4) *Onsite Monitoring and Observation Reports* (See proposed revision section above.)—The regulations also require that each holder of an LOA submit a monitoring report indicating the nature and extent of all takes of marine mammals that occurred incidentally to the specific activity. Since the inception of incidental take authorizations for polar bears (*Ursus maritimus*), Pacific walruses (walruses) (*Odobenus rosmarus divergens*), and northern sea otters (otters) (*Enhydra lutris kenyoni*), we have required monitoring and reporting during oil and gas industry activities. The purpose of monitoring and reporting requirements is to assess the effects of industrial activities on polar bears, walruses, and otters to ensure that take is minimal to marine mammal populations, and to detect any unanticipated effects of take. The monitoring focus has been site-specific, area-specific, or population-specific. Site-specific monitoring measures animal-human encounter rates, outcomes of encounters, and trends of animal activity in the industrial areas, such as polar bear numbers, behavior, and seasonal use. Area-specific monitoring includes analyzing animal spatial and temporal use trends, sex/age composition, and risk assessment to unpredictable events, such as oil spills. Population-specific monitoring includes investigating species' life-history parameters, such as population size, recruitment, survival, physical condition, status, and mortality.

(5) *Polar Bear Den Detection Report*—Holders of an LOA seeking to carry out onshore activities in known or suspected polar bear denning habitat during the denning season must make efforts to locate occupied polar bear dens within and near proposed areas of operation. They may use any appropriate tool, such as forward-looking infrared imagery and/or polar bear scent-trained dogs, in concert with

denning habitat maps along the Alaskan coast. In accordance with 50 CFR 18.128(b)(1) and (b)(2), LOA holders must report all observed or suspected polar bear dens to us prior to the initiation of activities. We use this information to determine the appropriate terms and conditions in an individual LOA in order to minimize potential impacts and disturbance to polar bears.

Holders of an LOA seeking to carry out onshore activities during the denning season (November–April) must conduct two separate surveys for occupied polar bear dens in all denning habitat within 1.6 km (1 mi) of proposed activities using aerial infrared (AIR) imagery. Further, all denning habitat within 1.6 km (1 mi) of areas of proposed seismic surveys must be surveyed three separate times with AIR technology.

Flight crews will record and report environmental parameters including air temperature, dew point, wind speed and direction, cloud ceiling, and percent humidity, and a flight log will be provided to the Service within 48 hours of the flight.

Title of Collection: Incidental Take of Marine Mammals During Specified Activities, 50 CFR 18.27 and 50 CFR part 18, subparts J, K, and L.

OMB Control Number: 1018–0070.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals/households, private sector (oil and gas industry companies), State/local/Tribal governments, and Federal Government.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Nonhour Burden Cost: \$200,000 (associated with the polar bear den detection survey and report).

Type of action	Number of annual respondents	Number of responses each	Total annual responses	Average completion time (hours)	Total annual burden hours
<i>Incidental Take of Marine Mammals—Application for Regulations:</i>					
Reporting—Private Sector	3	1	3	20	450
Recordkeeping—Private Sector				130	
Reporting—Federal Government	2	1	2	20	300
Recordkeeping—Federal Government				130	
<i>Requests—Letters of Authorization:</i>					
Reporting—Private Sector	15	4	60	8	1,440
Recordkeeping—Private Sector				16	
Reporting—Federal Government	5	4	20	8	480
Recordkeeping—Federal Government				16	

Type of action	Number of annual respondents	Number of responses each	Total annual responses	Average completion time (hours)	Total annual burden hours
<i>Final Monitoring Report</i>					
Reporting—Private Sector	15	4	60	8	1,440
Recordkeeping—Private Sector				42	
Reporting—Federal Government	5	4	20	8	480
Recordkeeping—Federal Government				42	
<i>Polar Bear Den Detection Report (50 CFR 18.126(b)(1)(iv)):</i>					
Reporting—Private Sector	4	1	4	8	200
Recordkeeping—Private Sector				42	
<i>In-season Monitoring—Activity Progress Reports (50 CFR 18.127(a)(1)) NEW (Revised):</i>					
Reporting—Private Sector	1	1	1	.5	1
Recordkeeping—Private Sector .....				.5	
Reporting—Federal Government	1	1	1	.5	1
Recordkeeping—Federal Government .....				.5	
<i>In-season Monitoring—Polar Bear Observation Reports (50 CFR 18.127(a)(3)) NEW (Revised):</i>					
Reporting—Private Sector	15	4.5	68	.25	85
Recordkeeping—Private Sector				1	
Reporting—Federal Government	1	7	7	.25	9
Recordkeeping—Federal Government				1	
<i>Notification of LOA Incident Report (50 CFR 18.127(b)) NEW (Revised):</i>					
Reporting—Private Sector	2	1	2	.25	2
Recordkeeping—Private Sector .....				.5	
Reporting—Federal Government	1	1	1	.25	1
Recordkeeping—Federal Government .....				.5	
<i>Mitigation—Interaction Plan (50 CFR 18.126(a)(1)(iii)) NEW (Existing):</i>					
Reporting—Private Sector	12	1	12	2	96
Recordkeeping—Private Sector				6	
Reporting—Federal Government	3	1	3	2	24
Recordkeeping—Federal Government				6	
<i>Mitigation—3rd Party Notifications (50 CFR 18.126(a)(2) and 18.126(e)(1)) NEW (Existing)</i>					
Reporting—Private Sector	12	3	36	1	72
Recordkeeping—Private Sector				1	
Reporting—Federal Government	3	3	9	1	18
Recordkeeping—Federal Government				1	
<i>Mitigation—Requests for Exemption Waivers (50 CFR 18.126(c)(4)) NEW (Existing)</i>					
Reporting—Private Sector	1	1	1	1	2
Recordkeeping—Private Sector				1	
Reporting—Federal Government	1	1	1	1	2
Recordkeeping—Federal Government				1	
<i>Mitigation—Plan of Cooperation (50 CFR 18.126(e)(2)) NEW (Existing)</i>					
Reporting—Private Sector	1	1	1	10	40
Recordkeeping—Private Sector				30	
Reporting—Federal Government	1	1	1	10	40
Recordkeeping—Federal Government				30	
Totals	104	.....	313	.....	5,183

Send your written comments and suggestions on this information collection by the date indicated in **DATES** to OMB, with a copy to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO), 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to Info_Coll@fws.gov. Please reference OMB Control Number 1018-0070 in the subject line of your comments.

References

For a list of the references cited in this proposed rule, see Docket No. FWS-R7-ES-2022-0025, available at <https://www.regulations.gov>.

Signing Authority

On July 19, 2022, Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks, approved this action for publication. On August 9, 2022, Shannon Estenoz authorized the undersigned to sign this document

electronically and submit it to the Office of the Federal Register for publication as an official document of the Department of the Interior.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Indians, Marine mammals, Marine construction, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons set forth in the preamble, the Service proposes to amend part 18, subchapter B of chapter 1, title 50 of the Code of Federal Regulations as set forth below.

PART 18—MARINE MAMMALS

■ 1. The authority citation of 50 CFR part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. Amend part 18 by adding subpart L to read as follows:

Subpart L—Nonlethal Taking of Marine Mammals Incidental to Pile Driving and Marine Construction Activities in the Gulf of Alaska

Sec.

- 18.142 Specified activities covered by this subpart.
- 18.143 Specified geographic region where this subpart applies.
- 18.144 Dates this subpart is in effect.
- 18.145 Procedure to obtain a letter of authorization (LOA).
- 18.146 How the Service will evaluate a request for an LOA.
- 18.147 Authorized take allowed under an LOA.
- 18.148 Prohibited take under an LOA.
- 18.149 Mitigation.
- 18.150 Monitoring.
- 18.151 Reporting requirements.

§ 18.142 Specified activities covered by this subpart.

Regulations in this subpart apply to the nonlethal incidental, but not intentional, take, as defined in § 18.3 and under section 3 of the Marine Mammal Protection Act (16 U.S.C. 1371 *et seq.*), of small numbers of northern sea otters (*Enhydra lutris kenyoni*; hereafter “sea otters”) by the U.S. Coast Guard (hereafter “USCG” or “the applicant”) while engaged in activities associated with or in support of marine construction activities in the Gulf of Alaska. The applicant is a U.S. citizen as defined in § 18.27(c).

§ 18.143 Specified geographic region where this subpart applies.

(a) The specified geographic region encompasses areas within 2 kilometers (km) (~1.25 miles (mi)) of eight USCG facilities within the USCG Civil Engineering Unit, Juneau Area of Responsibility. These facilities are: Base Kodiak, Moorings Seward, Moorings Valdez, Moorings Cordova, Moorings Sitka, Station Juneau, Moorings Petersburg, and Base Ketchikan.

(b) The geographic area of these incidental take regulations (ITRs) includes all Alaska State waters within this area as well as all adjacent rivers, estuaries, and coastal lands where sea otters may occur.

§ 18.144 Dates this subpart is in effect.

Regulations in this subpart are effective until [DATE 5 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE].

§ 18.145 Procedure to obtain a letter of authorization (LOA).

(a) To incidentally take sea otters pursuant to the regulations in this subpart, USCG must apply for and obtain an LOA in accordance with the regulations in § 18.27(f) and this section. USCG must submit the request for an LOA to the U.S. Fish and Wildlife Service (Service) Alaska Region Marine Mammals Management Office (MMM), MS 341, 1011 East Tudor Road, Anchorage, Alaska 99503, at least 30 days prior to the start of the proposed activity.

(b) The request for an LOA must include the following information:

- (1) An operational plan for the activity;
- (2) A digital geospatial file of the project footprint; and
- (3) A site-specific marine mammal monitoring and mitigation plan that specifies the procedures to monitor and mitigate the effects of the activities on sea otters.

§ 18.146 How the Service will evaluate a request for an LOA.

(a) The Service will evaluate each request for an LOA to determine if the proposed activity is consistent with the analysis and findings made for the regulations in this subpart. Depending on the results of the evaluation, we may grant the requested authorization, add further conditions, or deny the request for an LOA.

(b) Once issued, the LOA may be withdrawn or suspended if the project activity is modified in a way that undermines the results of the previous evaluation, if the conditions of the regulations in this subpart are not being substantially met, or if the taking allowed is or may be having more than a negligible impact on the affected stocks of sea otters or an unmitigable adverse impact on the availability of sea otters for subsistence uses.

(c) The Service will make decisions concerning withdrawals of an LOA, either on an individual or class basis, only after notice and opportunity for public comment in accordance with § 18.27(f)(5). The requirement for notice and public comment will not apply should we determine that an emergency exists that poses a significant risk to the well-being of the species or stocks of sea otters.

§ 18.147 Authorized take allowed under an LOA.

(a) An LOA allows for the nonlethal, incidental, but not intentional take by Level B harassment of sea otters during activities specified in § 18.142 within the Gulf of Alaska ITR region described in § 18.143.

(b) Each LOA will set forth:

- (1) Permissible methods of incidental take;

- (2) Means of effecting the least practicable adverse impact (*i.e.*, mitigation) on the species, its habitat, and the availability of the species for subsistence uses; and

- (3) Requirements for monitoring and reporting.

(c) Issuance of the LOA(s) must be based on a determination that the level of take will be consistent with the findings made for the total allowable take under the regulations in this subpart.

§ 18.148 Prohibited take under an LOA.

(a) Except as otherwise provided in this subpart, prohibited taking is described in § 18.11 as well as: intentional take, lethal incidental take of sea otters, and any other take that fails to comply with this subpart or with the terms and conditions of an LOA.

(b) If project activities cause unauthorized take, the applicant must take the following actions:

- (1) Cease activities immediately (or reduce activities to the minimum level necessary to maintain safety) and report the details of the incident within 48 hours to the Service MMM at 1–800–362–5148 (business hours); and

- (2) Suspend further activities until the Service has reviewed the circumstances, determined whether additional mitigation measures are necessary to avoid further unauthorized taking, and notified the applicant that project activities may resume.

§ 18.149 Mitigation.

(a) *Mitigation measures for all LOAs.* The applicant, including all personnel operating under the applicant’s authority (or “operators,” including contractors, subcontractors, and representatives) must undertake the following activities to avoid and minimize take of sea otters by harassment.

- (1) Implement policies and procedures to avoid interactions with and minimize to the greatest extent practicable adverse impacts on sea otters, their habitat, and the availability of these marine mammals for subsistence uses.

- (2) Develop avoidance and minimization policies and procedures,

in cooperation with the Service, that include temporal or spatial activity restrictions to be used in response to the presence of sea otters engaged in a biologically significant activity (e.g., resting, feeding, hauling out, mating, or nursing).

(3) Cooperate with the Service's MMM Office and other designated Federal, State, and local agencies to monitor and mitigate the impacts of pile driving and marine construction activities on sea otters.

(4) Allow Service personnel or the Service's designated representative to board project vessels or visit project worksites for the purpose of monitoring impacts to sea otters and subsistence uses of sea otters at any time throughout project activities so long as it is safe to do so.

(5) Designate trained and qualified protected species observers (PSOs) to monitor for the presence of sea otters, initiate mitigation measures, and monitor, record, and report the effects of the activities on sea otters. The applicant is responsible for providing training to PSOs to carry out mitigation and monitoring.

(6) Have an approved mitigation and monitoring plan on file with the Service MMM and onsite that includes the following information:

(i) The type of activity and where and when the activity will occur (i.e., a summary of the plan of operation);

(ii) Personnel training policies, procedures, and materials;

(iii) Site-specific sea otter interaction risk evaluation and mitigation measures;

(iv) Sea otter avoidance and encounter procedures; and

(v) Sea otter observation and reporting procedures.

(b) *Mitigation measures for in-water noise-generating work.* The applicant must carry out the following measures:

(1) Construction activities must be conducted using equipment that generates the lowest practicable levels of underwater sound within the range of frequencies audible to sea otters.

(2) During all pile-installation activities, regardless of predicted sound levels, a physical interaction shutdown zone of 20 m (66 ft) must be enforced. If a sea otter enters the shutdown zone, in-water activities must be delayed until either the animal has been visually observed outside the shutdown zone or 15 minutes have elapsed since the last observation time without redetection of the animal.

(3) If the impact driver has been idled for more than 30 minutes, an initial set of three strikes from the impact driver must be delivered at reduced energy,

followed by a 1-minute waiting period, before full-powered proofing strikes.

(4) In-water activity must be conducted in daylight. If environmental conditions prevent visual detection of sea otters within the shutdown zone, in-water activities must be stopped until visibility is regained.

(5) All in-water work along the shoreline must be conducted during low tide when the site is dewatered to the maximum extent practicable.

(c) *Mitigation measures for vessel operations.* Vessel operators must take every precaution to avoid harassment of sea otters when a vessel is operating near these animals. The applicant must carry out the following measures:

(1) Vessels must remain at least 500 m from rafts of sea otters unless safety is a factor. Vessels must reduce speed and maintain a distance of 100 m (328 ft) from all sea otters unless safety is a factor.

(2) Vessels must not be operated in such a way as to separate members of a group of sea otters from other members of the group and must avoid alongshore travel in shallow water (<20 m) whenever practicable.

(3) When weather conditions require, such as when visibility drops, vessels must adjust speed accordingly to avoid the likelihood of injury to sea otters.

(4) Vessel operators must be provided written guidance for avoiding collisions and minimizing disturbances to sea otters. Guidance will include measures identified in paragraphs (c)(1) through (4) of this section.

§ 18.150 Monitoring.

(a) Operators must work with PSOs to apply mitigation measures and must recognize the authority of PSOs, up to and including stopping work, except where doing so poses a significant safety risk to personnel.

(b) Duties of PSOs include watching for and identifying sea otters, recording observation details, documenting presence in any applicable monitoring zone, identifying and documenting potential harassment, and working with operators to implement all appropriate mitigation measures.

(c) A sufficient number of PSOs will be available to meet the following criteria: 100 percent monitoring of exclusion zones during all daytime periods of underwater noise-generating work; a maximum of 4 consecutive hours on watch per PSO; a maximum of approximately 12 hours on watch per day per PSO.

(d) All PSOs will complete a training course designed to familiarize individuals with monitoring and data collection procedures. A field crew

leader with prior experience as a sea otter observer will supervise the PSO team. Initially, new or inexperienced PSOs will be paired with experienced PSOs so that the quality of marine mammal observations and data recording is kept consistent. Resumes for candidate PSOs will be made available for the Service to review.

(e) Observers will be provided with reticule binoculars (10x42), big-eye binoculars or spotting scopes (30x), inclinometers, and range finders. Field guides, instructional handbooks, maps, and a contact list will also be made available.

(f) Observers will collect data using the following procedures:

(1) All data will be recorded onto a field form or database.

(2) Global positioning system data, sea state, wind force, and weather will be collected at the beginning and end of a monitoring period, every hour in between, at the change of an observer, and upon sightings of sea otters.

(3) Observation records of sea otters will include date; time; the observer's locations, heading, and speed (if moving); weather; visibility; number of animals; group size and composition (adults/juveniles); and the location of the animals (or distance and direction from the observer).

(4) Observation records will also include initial behaviors of the sea otters, descriptions of project activities and underwater sound levels being generated, the position of sea otters relative to applicable monitoring and mitigation zones, any mitigation measures applied, and any apparent reactions to the project activities before and after mitigation.

(5) For all sea otters in or near a mitigation zone, observers will record the distance from the vessel to the sea otter upon initial observation, the duration of the encounter, and the distance at last observation in order to monitor cumulative sound exposures.

(6) Observers will note any instances of animals lingering close to or traveling with vessels for prolonged periods of time.

§ 18.151 Reporting requirements.

(a) Operators must notify the Service at least 48 hours prior to commencement of activities.

(b) Monthly reports will be submitted to the Service MMM for all months during which noise-generating work takes place. The monthly report will contain and summarize the following information: dates, times, weather, and sea conditions (including the Beaufort Scale's sea state and wind force conditions) when sea otters were

sighted; the number, location, distance from the sound source, and behavior of the sea otters; the associated project activities; and a description of the implementation and effectiveness of mitigation measures with a discussion of any specific behaviors the sea otters exhibited in response to mitigation.

(c) A final report will be submitted to the Service within 90 days after the expiration of each LOA. It will include the following:

(1) A summary of monitoring efforts (hours of monitoring, activities monitored, number of PSOs, and, if requested by the Service, the daily monitoring logs).

(2) A description of all project activities, along with any additional work yet to be done. Factors influencing visibility and detectability of marine mammals (*e.g.*, sea state, number of observers, and fog and glare) will be discussed.

(3) A description of the factors affecting the presence and distribution of sea otters (*e.g.*, weather, sea state, and project activities). An estimate will be included of the number of sea otters exposed to noise at received levels greater than or equal to 160 dB (based on visual observation).

(4) A description of changes in sea otter behavior resulting from project activities and any specific behaviors of interest.

(5) A discussion of the mitigation measures implemented during project activities and their observed effectiveness for minimizing impacts to sea otters. Sea otter observation records will be provided to the Service in the form of electronic database or spreadsheet files.

(d) All reports must be submitted by email to fw7_mmm_reports@fws.gov.

(e) Injured, dead, or distressed sea otters that are not associated with

project activities (*e.g.*, animals known to be from outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must be reported to the Service within 24 hours of the discovery to either the Service MMM (1-800-362-5148, business hours); or the Alaska SeaLife Center in Seward (1-888-774-7325, 24 hours a day); or both. Photographs, video, location information, or any other available documentation must be provided to the Service.

(f) Operators must notify the Service upon project completion or end of the work season.

Maureen D. Foster,

Chief of Staff, Office of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022-17445 Filed 8-12-22; 8:45 am]

BILLING CODE 4333-15-P

Notices

Federal Register

Vol. 87, No. 156

Monday, August 15, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Webex at 2:00 p.m. CT on Wednesday, September 14, 2022. The purpose of this meeting is to discuss the Committee's project on policing practices in the state.

DATES: The meeting will take place on Wednesday, September 14, 2022, from 2:00 p.m.–3:00 p.m. CT.

Link to Join (Audio/Visual): <https://tinyurl.com/2p9k4j3x>.

Telephone (Audio Only): Dial (800) 360-9505 USA Toll Free; Access Code: 2763 739 4746.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at dbarreras@usccr.gov or (202) 656-8937.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at (800) 877-8339 and

providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email dbarreras@usccr.gov at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at lschiller@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Civil Rights Discussion
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: August 9, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022-17440 Filed 8-12-22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of web briefing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Florida Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a web briefing at 10:00 a.m. ET on Wednesday,

September 14, 2022, to hear testimony regarding the civil rights implications of recent legislative changes to Florida's election laws.

DATES: The briefing will take place via Webex on Wednesday, September 14, 2022, from 10:00 a.m.–12:00 p.m. ET.

Link to Join (Audio/Visual): <https://tinyurl.com/2ffjzsf4>.

Telephone (Audio Only): Dial (800) 360-9505 USA Toll Free; access code: 2764 153 2150.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, DFO, at mwojnaroski@usccr.gov or (202) 618-4158.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at (800) 877-8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email lschiller@usccr.gov at least seven (7) business days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at lschiller@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809-9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may

contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcoming Remarks
- II. Panelist Presentations and Committee Q&A
- III. Public Comment
- IV. Closing Remarks
- V. Adjournment

Dated: August 9, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022-17438 Filed 8-12-22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of web briefing.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a briefing of the Florida Advisory Committee. The briefing scheduled for Wednesday, August 24, 2022, at 3:00 p.m. ET is cancelled. The notice is in the **Federal Register** of Monday, August 1, 2022, in FR Doc. 2022-16357, in the third column of page 46937 and the first column of page 46938.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, DFO, at mwojnaroski@uscrr.gov or (202) 618-4158.

Dated: August 9, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022-17439 Filed 8-12-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-15-2022]

Foreign-Trade Zone (FTZ) 148—Knoxville, Tennessee, Authorization of Production Activity CoLinx, LLC (Spherical Roller Bearing Kits), Crossville, Tennessee

On April 12, 2022, CoLinx, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 148, in Crossville, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including

notice in the **Federal Register** inviting public comment (87 FR 23165, April 19, 2022). On August 10, 2022, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 10, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022-17505 Filed 8-12-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Completion of Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of completion of panel review.

SUMMARY: In accordance with Rules 78 and 80 of the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews*, the Panel Review of *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2016-2017* (Secretariat File Number: USA-MEX-2019-1904-01) was completed and the panelists were discharged from their duties effective August 9, 2022.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

SUPPLEMENTARY INFORMATION:

Article 1904 of NAFTA provides a dispute settlement mechanism for binational panel reviews of trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. On June 27, 2022, the Binational Panel issued a Final Decision and Order affirming the U.S. Department of Commerce's determination. The Notice of Final Panel Action was then issued the eleventh day thereafter on July 8, 2022. Accordingly, the Notice of Completion of Panel Review is being issued pursuant to Rule 80 of the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews*. For the complete

NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, please see <https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/index.aspx?lang=eng>.

Dated: August 9, 2022.

Vidya Desai,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2022-17413 Filed 8-12-22; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Amended Final Results of Countervailing Duty Administrative Review; 2019

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty (CVD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China), covering the period of review (POR) January 1, 2019, through December 31, 2019, to correct ministerial errors.

DATES: Applicable August 15, 2022.

FOR FURTHER INFORMATION CONTACT:

Robert Copyak, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3642.

SUPPLEMENTARY INFORMATION:

Background

Commerce issued the *Final Results* of this review on June 29, 2022.¹ On July 6, 2022, we received ministerial error comments from the American Alliance for Solar Manufacturing (the Alliance),² a domestic interested party, and JA Solar Technology Yangzhou Co., Ltd. (JA Solar), one of the two mandatory

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019*, 87 FR 40491 (July 7, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See the Alliance's Letter, "Ministerial Error Allegations," dated July 6, 2022.

respondents in this administrative review.³ On July 11, 2022, we received rebuttal comments from JA Solar.⁴ We are amending the *Final Results* to correct three ministerial errors raised by the Alliance and JA Solar.

Legal Framework

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes “errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.”⁵ With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and if appropriate, correct any ministerial error by amending . . . the final results of review”

Ministerial Errors

Commerce determines that, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), it made the following ministerial errors in the *Final Results*: (1) used an incorrect formula to calculate the benefit from Risen’s use of the Provision of Solar Glass for Less Than Adequate Remuneration program; (2) used an incorrect allocated benefit amount to calculate the program rate for Risen’s use of the Special Reward Fund program; and (3) did not revise the calculations of the sales denominators for certain JA Solar companies to exclude inter-company sales to cross-owned producers. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the corrections of these ministerial errors in the calculation of the countervailable subsidy rates, which change from 18.58 percent *ad valorem* to 18.55 percent *ad valorem* for JA Solar,⁶ and from 12.92 percent *ad valorem* to 13.18 percent *ad valorem* for Risen.⁷ For a detailed discussion of Commerce’s analysis, see the Ministerial Error Allegations Memorandum.⁸ As a result of these

changes, the rate for the 12 companies not selected for individual examination in this review, which is the simple average of JA Solar and Risen’s amended final *ad valorem* rates, changes from 15.75 percent *ad valorem* to 15.87 percent *ad valorem*.⁹

Amended Final Results of Review

As a result of correcting the ministerial errors described above, Commerce determines the following net countervailable subsidy rates for the POR, January 1, 2019, through December 31, 2019:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
JA Solar Technology Yangzhou Co., Ltd. (JA Solar) ¹⁰	18.55
Risen Energy Co., Ltd. ¹¹	13.18
Non-Selected Companies ¹²	15.87

⁹ *Id.* at 6.

¹⁰ JA Solar is cross-owned with the following 34 companies: (1) Shanghai JA Solar Technology Co., Ltd.; (2) JA (Hefei) Renewable Energy Co., Ltd.; (3) Hefei JA Solar Technology Co., Ltd.; (4) JA Solar Investment China Co., Ltd.; (5) Jing Hai Yang Semiconductor Material (Donghai) Co., Ltd.; (6) Donghai JingAo Solar Energy Science and Technology Co., Ltd. (JA Donghai); (7) Solar Silicon Valley Electronic Science and Technology Co., Ltd.; (8) Beijing Jinfeng Investment Co., Ltd.; (9) JingAo Solar Co., Ltd.; (10) Ningjin Songgong Electronic Materials Co., Ltd.; (11) Jinglong Industry and Commerce Group Co., Ltd.; (12) Ningjin County Jinyuan New Energy Investment Co., Ltd.; (13) Hebei Jinglong New Materials Technology Group Co., Ltd.; (14) Hebei Jinglong Sun Equipment Co., Ltd.; (15) Hebei Jingle Optoelectronic Technology Co., Ltd.; (16) Ningjin Jingxing Electronic Material Co., Ltd.; (17) Ningjin Saimai Ganglong Electronic Materials Co., Ltd.; (18) Hebei Ningtong Electronic Materials Co., Ltd.; (19) JA Solar (Xingtai) Co., Ltd.; (20) Xingtai Jinglong Electronic Material Co., Ltd.; (21) Xingtai Jinglong PV Materials Co., Ltd.; (22) JA PV Technology Co., Ltd.; (23) Ningjin Jinglong PV Industry Investment Co., Ltd.; (24) Baotou JA Solar Technology Co., Ltd.; (25) Xingtai Jinglong New Energy Co., Ltd.; (26) Ningjin County Jing Tai Fu Technology Co., Ltd.; (27) JA Solar Technology Co., Ltd.; (28) Jinglong Technology Holdings Co., Ltd.; (29) Ningjin Guiguang Electronics Investment Co., Ltd.; (30) Ningjin Longxin Investment Co., Ltd.; (31) Beijing JA Solar PV Technology Co., Ltd.; (32) Solar Silicon Peak Electronic Science and Technology Co., Ltd.; (33) Jingwei Electronic Materials Co., Ltd.; and (34) Taicang Juren PV Material Co., Ltd. See the *Final Results* IDM at 9–10.

¹¹ Risen is cross-owned with the following 12 companies: (1) Risen (Luoyang) New Energy Co., Ltd.; (2) Risen (Wuhai) New Energy Co., Ltd.; (3) Risen Energy (Changzhou) Co., Ltd.; (4) Risen Energy (Yiwu) Co., Ltd.; (5) Zhejiang Boxin Investment Co., Ltd.; (6) Zhejiang Twinsel Electronic Technology Co., Ltd. (7) Jiujiang Shengchao Xinye Technology Co., Ltd. (including Jiujiang Shengshao Xinye Technology Co., Ltd. Ruichang Branch); (8) Jiangsu Sveck New Material Co., Ltd.; (9) Changzhou Sveck Photovoltaic New Material Co., Ltd.; (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); (10) Changzhou Sveck New Material Technology Co., Ltd. (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); (11) Ninghai Risen Energy Power Development Co., Ltd.; and (12) Risen (Ningbo) Electric Power Development Co., Ltd. See the *Final Results* IDM at 10–11.

Disclosure

We intend to disclose the calculations performed for these amended final results in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine and U.S. Customs and Border Protections (CBP) shall assess, CVDs on all appropriate entries of subject merchandise in accordance with the amended final results of this review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these amended final results of this review in the **Federal Register**. However, JA Solar and Risen each have filed a summons at the U.S. Court of International Trade challenging the original *Final Results*. Therefore, our 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 of this notice).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies subject to this review. For all non-reviewed companies, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposits, effective upon publication of these amended final results, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

¹² See the appendix of this notice for a list of all companies that remain under review but were not selected for individual examination and to which Commerce has assigned the non-selected companies’ rate.

³ See JA Solar’s Letter, “Ministerial Error Comments,” dated July 6, 2022. The second mandatory respondent in this administrative review is Risen Energy Co. Ltd. (Risen).

⁴ See JA Solar’s Letter, “Rebuttal Ministerial Error Comments,” dated July 6, 2022.

⁵ See 19 CFR 351.224(f).

⁶ See Memorandum, “Allegations of Ministerial Errors the Final Results,” dated concurrently with, and hereby adopted by, this notice (Ministerial Error Allegations Memorandum); see also Memorandum, “JA Solar’s Amended Final Calculations,” dated concurrently with this notice.

⁷ See Ministerial Error Allegations Memorandum; see also Memorandum, “Risen’s Amended Final Calculations,” dated concurrently with this notice.

⁸ See Ministerial Error Allegations Memorandum.

Notification to Interested Parties

We are issuing and publishing these amended final results of review in accordance with sections 751(h) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: August 8, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix**Non-Selected Companies Under Review**

1. Canadian Solar International Limited
2. Canadian Solar Manufacturing (Changshu) Inc.
3. Canadian Solar Manufacturing (Luoyang) Inc.
4. Chint Solar (Zhejiang) Co., Ltd.
5. CSI Cells Co., Ltd.
6. CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd.
7. Hengdian Group DMEGC Magnetics Co., Ltd.
8. Jinko Solar Co., Ltd.
9. Jinko Solar Import and Export Co., Ltd.
10. LONGi Solar Technology Co., Ltd.
11. Suntech Power Co., Ltd.
12. Yingli Energy (China) Co., Ltd

[FR Doc. 2022-17470 Filed 8-12-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XC192]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application submitted by the Gulf of Maine Research Institute contains all of the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before August 30, 2022.

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

• *Email:* nmfs.gar.efp@noaa.gov. Include in the subject line “GMRI Third-Party DSM Pilot EFP.”

FOR FURTHER INFORMATION CONTACT: Claire Fitz-Gerald, Fishery Policy Analyst, claire.fitz-gerald@noaa.gov, (978) 281-9255.

SUPPLEMENTARY INFORMATION: The Gulf of Maine Research Institute (GMRI) submitted a complete application for an Exempted Fishing Permit (EFP) to pilot a third-party dockside monitoring (DSM) program in support of maximized retention electronic monitoring (MREM) for the Northeast multispecies fishery. The groundfish sector MREM program currently operates under an EFP and NMFS administers an accompanying DSM program to collect catch information. MREM will be implemented in regulation as part of Amendment 23 to the Northeast Multispecies Fishery Management Plan during fishing year 2022. Measures implementing Amendment 23 were published in a proposed rule on February 28, 2022 (87 FR 11014). Amendment 23 was approved on behalf of the Secretary of Commerce on April 12, 2022; it will be implemented through a final rule in 2022, although the timing is uncertain. Amendment 23 aims to improve the reliability and accountability of catch reporting in the commercial groundfish fishery.

NMFS will continue to administer the DSM program while we finalize the DSM program standards and requirements, after which we will transition the program in an industry-funded model and sectors will contract directly with third-party providers for DSM services. GMRI intends to support this transition by administering a DSM pilot program with contracted third-party providers to achieve two main objectives: To provide increased DSM capacity; and explore innovative alternatives to the existing DSM program. If approved, this EFP would exempt participants from the MREM DSM regulation included in the Amendment 23 proposed rule at 50 CFR 648.11(l)(10)(i)(D). The EFP would exempt vessels in the MREM program from the requirement to participate in either an independent third-party DSM program approved by NMFS or the DSM program operated by NMFS. We intend to align issuance of this EFP, if approved, with the implementation of Amendment 23. Given this, we are notifying the public of our intent to issue the EFP and soliciting comments now even though we have yet to publish the final rule with implementing regulations for Amendment 23.

Under the EFP, GMRI and its contracted third-party providers would

provide additional DSM capacity for fishing year 2022 by overseeing some offloads for MREM vessels. GMRI and its contracted third-party providers would coordinate with the Northeast Fisheries Science Center (NEFSC) to deploy DSM services as needed, and would collect data required under the MREM program. In particular, the DSM program is responsible for: Verifying that the fish hold is empty after offload; independently recording dealer-reported weights; and collecting biosamples with an emphasis on sub-legal groundfish. GMRI and its contracted third-party providers would give the information collected to NEFSC for data entry and quality assurance and control.

The DSM pilot program would also explore innovative alternatives to existing protocols to collect catch information, and provide support to sectors, fishermen, and dealers. For example, innovations may include, but are not limited to, alternative program designs (*e.g.*, subsampling) and technological solutions to data collection. GMRI would work with NMFS to identify innovations suitable for exploration and testing. The ultimate objective of the EFP would be to develop cost-effective and efficient DSM protocols to meet program standards and requirements that work across a variety of fishing and offload strategies.

The third-party DSM EFP would start when Amendment 23 is implemented and would operate through the remainder of fishing year 2022 (*i.e.*, until April 30, 2023). NMFS expects approximately 12 vessels to enroll in MREM during fishing year 2022. Participating vessels would land at the following ports, although this list may change if new vessels join the program: Portland ME, Gloucester MA, Boston MA, and New Bedford MA. Cumulatively, MREM vessels are expected to take 250–300 trips. GMRI would work closely with NMFS to deploy DSM staff to vessels and ensure full DSM coverage in accordance with program requirements. All other regulations and conditions would still apply, including adherence to vessels' approved sector operations plans, EM plans, and vessel monitoring plans.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year as well as modifications resulting from changes to the regulations for the DSM program included in the Amendment 23 final rule. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research

and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: August 9, 2022.

Kelly Denit,

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

[FR Doc. 2022–17464 Filed 8–12–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0046]

**Submission for OMB Review;
Comment Request**

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 14, 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:

Angela Duncan, 571–372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: My Career Advancement Account Scholarship Program; OMB Control Number 0704–0585.

Type of Request: Revision.
Number of Respondents: 10,148.
Responses per Respondent: 3.4.
Annual Responses: 34,503.
Average Burden per Response: 15 minutes.

Annual Burden Hours: 8,625.75 hours.

Needs and Uses: The DoD My Career Advancement Account (MyCAA)

scholarship program is a career development and employment assistance program intended to help military spouses pursue licenses, certificates, certifications or associate’s degrees (excluding associate’s degrees in general studies, liberal arts, and interdisciplinary studies that do not have a concentration) necessary for gainful employment in high demand, high growth, portable career fields and occupations. To support this program, the MyCAA web portal collects information from military spouses to provide a record of educational endeavors and progress of military spouses participating in education services. In addition, MyCAA manages the tuition assistance scholarship, tracks enrollments and funding, and facilitates communication with participants.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: August 10, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–17468 Filed 8–12–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0050]

**Submission for OMB Review;
Comment Request**

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 14, 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:

Angela Duncan, 571–372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: New Parent Support Program Evaluation; OMB Control Number 0704–NPSP.

Type of Request: New.
Number of Respondents: 315.
Responses per Respondent: 4.38.
Annual Responses: 1,380.
Average Burden per Response: 37.5 minutes.

Annual Burden Hours: 863 hours.
Needs and Uses: The Military Community & Family Policy Family Advocacy Program (FAP) within the DoD’s Office of the Deputy Assistant Secretary of Defense (OSD) is requesting Office of Management and Budget clearance for the New Parent Support Program (NPSP) Evaluation. OSD FAP contracted with Pennsylvania State University for this data collection to assist in understanding the benefits and limitations of using a DoD developed, standardized, evidence-informed home visitation curriculum (*i.e.*, Take Root Home Visitation [TRHV]) within the NPSP. TRHV is a tailorable home visitation curriculum that addresses risk and protective factors for child maltreatment, which is a primary focus

of NPSP home visitation. TRHV is designed to be used by home visitors to structure their time with their clients and their families. TRHV helps home visitors actively work with parents to strengthen core parenting skills, improve the parent-child bond, and promote positive child development. During visits, home visitors will use TRHV to collaborate with parents on identifying areas of strength and challenge, discuss ideas and strategies that can help parents achieve their goals, engage in role play or other skill building activities to help parents master core concepts, observe parents as they interact with their child and provide feedback, provide parents with handouts and other relevant materials, and assign skill practice homework to be completed between visits.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: August 10, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-17469 Filed 8-12-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2022-OS-0043]

Submission for OMB Review; Comment Request

AGENCY: Pentagon Force Protection Agency (PFPA), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 14, 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: Angela Duncan, 571-372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Pentagon Force Protection Agency Request for U.S. Flag(s) to be Flown over the Pentagon; PFPA Form 55; 0704-FLAG.

Type of Request: New.

Number of Respondents: 1,862.

Responses per Respondent: 1.

Annual Responses: 1,862.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 93.1 hours.

Needs and Uses: This information collection is needed to process requests for U.S. Flags to be flown over the Pentagon. There is no other existing form or collection instrument that is able to be used in place of the PFPA Form 55, so this is a necessity in order to keep the flag program operational.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: August 10, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-17467 Filed 8-12-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2022-HA-0101]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 14, 2022.

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

Federal eRulemaking Portal: <http://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, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Terry McDavid, 703-681-3645.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: MHS GENESIS Patient Registration Module and Patient Portal; OMB Control Number 0720-0064.

Needs and Uses: The information collection requirement is necessary to provide and document medical care; determine eligibility for benefits and entitlements; adjudicate claims; determine whether a third party is responsible for the cost of Military Health System provided healthcare and recover that cost; and evaluate fitness for duty and medical concerns which may have resulted from an occupational or environmental hazard. Obtaining this information is essential for the DoD to provide medical care and recover costs.

Affected Public: Individuals or households.

Annual Burden Hours: 334,872.8.
Number of Respondents: 2,870,338.
Responses per Respondent: 1.
Annual Responses: 2,870,338.
Average Burden per Response: 7 minutes.

Frequency: As required.

Dated: August 10, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-17475 Filed 8-12-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2022-HA-0100]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 14, 2022.

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

Federal eRulemaking Portal: <http://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, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments,

please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Terry McDavid, 703-681-3645.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Champus Provider Status: Corporate Services Provider; DD Form 3030; OMB Control Number 0720-0020.

Needs and Uses: This information collection requirement is necessary to ensure that the conditions are met for authorization as a TRICARE/CHAMPUS Corporate Service Provider. Respondents are freestanding corporations and foundations seeking authorization under the TRICARE/CHAMPUS program to provide otherwise covered professional services to eligible TRICARE/CHAMPUS beneficiaries.

Affected Public: Businesses or other for-profit.

Annual Burden Hours: 111.67.

Number of Respondents: 335.

Responses per Respondent: 1.

Annual Responses: 335.

Average Burden per Response: 20 minutes.

Frequency: As required.

Dated: August 10, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-17473 Filed 8-12-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Line 5 Tunnel Project, Mackinac and Emmet Counties, Michigan

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Detroit District, is reviewing an application pursuant to section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act for a Department of the Army (DA) permit by Enbridge Energy, Limited Partnership (Enbridge) (File LRE-2010-00463-56-A19) to construct a tunnel (the Line 5 Tunnel Project) that would house a replacement segment of Enbridge's Line 5 pipeline crossing the Straits of Mackinac (Straits) in Lake Michigan. The primary Federal involvement associated with the proposed action is the discharge of dredged or fill material into waters of

the United States, and the construction of structures and/or work that may affect navigable waters. Federal authorizations for the proposed project would constitute a “major federal action.” Based on the potential impacts of the proposed project, the USACE intends to prepare an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA) to render a final decision on the permit application. The USACE is also preparing an Ethnographic/ Traditional Cultural Landscape Study as part of the EIS and its responsibilities under section 106 of the National Historic Preservation Act.

DATES: To ensure consideration, all comments regarding the proposed EIS scope should be received by the Detroit District by October 14, 2022.

ADDRESSES: Written comments regarding the proposed EIS scope should be addressed to: Line 5 Tunnel EIS, 16501 Shady Grove Road, P.O. Box 10178, Gaithersburg, MD 20898. Comments may also be submitted electronically at: <https://www.Line5TunnelEIS.com>. Individuals can also subscribe to receive EIS updates at this website.

FOR FURTHER INFORMATION CONTACT: For information about this project, to be included on the mailing list for future updates and public meeting announcements, or to receive a copy of the Draft EIS when it is issued, visit <https://www.Line5TunnelEIS.com> or contact Ms. Katie Otanez at the USACE at 313–226–5479.

SUPPLEMENTARY INFORMATION: The USACE, Detroit District, intends to prepare an EIS for the proposed Line 5 Tunnel Project. As part of the DA permit application review, the Detroit District issued a Public Notice on May 15, 2020, and held a Public Hearing on December 7, 2020. The purpose of the notice and hearing was to seek comments and information to better enable the Detroit District to make a reasonable decision on factors affecting the public interest. All comments received to date will be considered by the Detroit District during EIS preparation.

The USACE’s decision will be to issue, issue with modification, or deny the DA permit for the proposed action. The EIS will assess the potential social, economic, cultural, and environmental impacts of the proposed project and is intended to be sufficient in scope to address Federal, State, and local requirements, and cultural, environmental, socioeconomic, and Tribal factors related to the proposed action and permit review.

1. *Public Involvement:* The USACE invites all affected Federal, State, and local agencies, Native American Tribes, other interested parties, and the general public to participate in the NEPA process during development of the EIS. The purpose of the public scoping process is to provide information to the public, identify potentially significant environmental issues for in-depth analysis, serve as a mechanism to solicit agency, Tribal, and public input on alternatives and issues of concern, and ensure full and open participation in scoping for the Draft EIS. To ensure that all of the issues related to this proposed project are addressed, the USACE will conduct public scoping meetings in which agencies, organizations, Tribes, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS. The USACE invites comments on the proposed scope and content of the EIS from all interested parties.

The USACE will coordinate its review under Section 106 of the National Historic Preservation Act (section 106) with its NEPA process, pursuant to 36 CFR 800.8(a) and will use the EIS scoping process to facilitate consultation under Section 106. The USACE invites all interested parties to provide comments on identification of and potential effects to historic properties during the EIS scoping period. In addition, individuals and organizations with a demonstrated interest in the project may request to participate as a consulting party in the USACE’s Section 106 review. The USACE will determine whether to grant such requests.

2. *Scoping Meetings:* The specific dates, times, and locations of the meetings will be published in press releases and on the USACE’s project website: www.Line5TunnelEIS.com.

3. *Public Comment Availability:* Before including your address, telephone 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. While you can ask in your comment that your personal identifying information be withheld from public review, the USACE cannot guarantee that this will occur.

4. *Proposed Action:* Enbridge’s Line 5, in operation since 1953, transports light crude oil, light synthetic crude oil, light sweet crude oil, and natural gas liquids. It supplies domestic and foreign refineries throughout the region that

produce products such as gasoline, propane, butanes, diesel, jet fuel, asphalt, and other consumer products. Line 5 extends for 645 miles between Superior, Wisconsin and Sarnia, Ontario. In Michigan, Line 5 crosses the Straits, an approximately 4-mile-long span of water that connects Lake Michigan and Lake Huron. At the point of and for the duration of that crossing, Line 5 currently consists of two 20-inch diameter pipes that rest on or are anchored to the lakebed of the Straits (referred to as the “Line 5 Dual Pipelines” or “Dual Pipelines”). Enbridge is proposing to construct a tunnel underneath the lakebed of the Straits. This tunnel would house a new 30-inch single pipeline for light crude oil, light synthetic crude oil, light sweet crude oil, and natural gas liquids, replacing the existing, dual pipelines crossing the Straits. The tunnel would be constructed and operated by Enbridge and owned, upon the completion of its construction, by the Mackinac Straits Corridor Authority (Authority). In addition to Line 5, the tunnel would provide the potential to accommodate other third-party utilities.

The tunnel is being pursued in accordance with the “Tunnel Agreement” that was executed by Enbridge and the State of Michigan on December 19, 2018. That Agreement was entered in furtherance of Public Act 359, through which the State of Michigan established the Authority and delegated to it the right to acquire, construct, maintain, improve, repair, and manage a utility tunnel across the Straits. The State of Michigan also granted an easement for the proposed tunnel in December 2018. The 1953 easement for the existing dual pipelines crossing of the Straits was revoked on November 13, 2020, by Michigan Governor Whitmer and the Michigan Department of Natural Resources. To date, Enbridge continues to operate Line 5 through the Straits.

The proposed tunnel would cross below the lakebed of the Straits, connecting Point La Barbe in Michigan’s Upper Peninsula to McGulpin Point in Michigan’s Lower Peninsula, in Mackinac and Emmet Counties, respectively. The distance between these two land points is approximately 3.6 miles and represents the shortest distance between Michigan’s Upper and Lower Peninsulas. The tunnel would extend as near as practicable to Enbridge’s existing Line 5 North Straits Facility located on the north side of the Straits to an opening point as near as practicable to Enbridge’s existing Line 5 Mackinaw Station located on the south side of the Straits.

Except for the entrance points on either side of the Straits, the tunnel would be constructed entirely within the bedrock at depths between 30 feet and 370 feet beneath the lakebed of the Straits. Once complete, the proposed tunnel's inside diameter would be approximately 21 feet. The tunnel would be constructed using a tunnel-boring machine. Pre-cast concrete segmental lining would be installed as the tunnel is constructed, and the space outside the tunnel's concrete lining would be filled with low-permeability grout. The tunnel would provide secondary containment, which is intended to minimize the potential for leakage of fluids from Line 5 into the lakebed or the Straits. Tunnel construction activities would result in removal of approximately 364,000 cubic yards of material from underneath the lakebed. The material would be transported to offsite upland disposal sites.

A shallow launch portal between 400 and 1,000 feet long, 40 to 60 feet wide, and 50 to 80 feet deep would be constructed in uplands within the southern work area (McGulpin Point) and would serve as the entry point for the tunnel-boring machine. A circular shaft 70 feet in diameter and 150 feet deep would be constructed in uplands at the tunnel-boring machine exit point in the northern work area (Point La Barbe). The construction area within the proposed limits of disturbance would be covered in gravel fill. Temporary construction facilities in uplands would include stormwater ponds, spoil storage and management areas, a construction water treatment plant, materials storage and staging areas, office and parking facilities, and a power substation and generator. Permanent facilities constructed in uplands would include stormwater ponds, outfall structures, access drives, and a ventilation building at each end of the tunnel. Remaining areas within the limits of disturbance would be revegetated.

The proposed project would involve placement of fill into a total of approximately 0.13 acre of wetlands, including 0.10 acre of permanent impact and 0.03 acre of temporary impact. The purposes of the fill include: construction of two outfall structures (0.02 acre wetland impact), widening Boulevard Drive to the south and east of the work area for construction equipment access (0.08 acre), and providing access to an upland materials staging area (0.03 acre). After completion of construction, the fill in this 0.03-acre area would be removed,

and the area would be seeded with emergent wetland seed mix. Two water intake structures for construction of the tunnel would be installed offshore on each side of the Straits. A discharge pipe would be connected to the southern intake, which would be used intermittently to discharge treated process water into the Straits. Each intake structure would be marked with a surface buoy. The offshore intake structures and discharge pipe would be removed upon completion of tunnel construction.

A new 30-inch pipeline would be installed within the tunnel and connected to the existing portions of the Line 5 pipeline. Upon completion, Enbridge proposes to decommission the existing submerged Line 5 dual pipelines crossing the Straits by purging, cleaning, and abandoning them in place.

5. *Location:* The proposed project is located within Mackinac County in Michigan's Upper Peninsula and Emmet County within Michigan's Lower Peninsula and includes subsurface crossing of the Straits. The project can be located on the U.S. Geological Survey quadrangle map entitled McGulpin Point, Michigan.

6. *Purpose and Need:* The purpose of the project is to provide transportation of light crude oil, light synthetic crude oil, light sweet crude oil, and natural gas liquids between Enbridge's existing North Straits Facility and Mackinaw Station, and to approximately maintain the existing capacity of the Line 5 pipeline while minimizing environmental risks.

7. *Alternatives:* A number of project alternatives will be evaluated in the EIS, including the applicant's proposed alternative and a No Action alternative, which may entail permit denial, withdrawal, or alternatives that do not require a DA permit. Additional alternatives to be considered include alternatives that would avoid, minimize, and compensate for impacts to the environment within the proposed project footprint; alternatives that would avoid, minimize, and compensate for impacts to the environment outside the footprint; alternatives using alternative practices; and other reasonable alternatives that will be developed through the project scoping process, that also meet the identified purpose and need.

8. *Scoping Process:* The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis and EIS alternatives. General concerns in the

following categories have been identified to date: potential direct effects to waters of the United States including wetlands; water and sediment quality; aquatic species and fisheries; threatened and endangered species; archaeological and cultural resources, including the Straits as a Traditional Cultural Landscape; Tribal treaty rights and interests; recreation and recreational resources; waste management; aesthetics; noise; air quality; climate change, including greenhouse gas emissions and the social cost of greenhouse gases; public health and safety during construction and operations; navigation; erosion; invasive species; energy needs; environmental justice; needs and welfare of the people; and cumulative effects. All parties who express interest will be given an opportunity to participate in the process.

9. *Coordination:* The proposed action is being coordinated with Federal, State, regional, and local agencies, and Federally recognized Tribes. As part of the NEPA process, the U.S. Environmental Protection Agency, U.S. Coast Guard, Michigan State Historic Preservation Office (SHPO), Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, Nottawaseppi Huron Band of the Potawatomi, and Sault Ste. Marie Tribe of Chippewa Indians have agreed to be cooperating agencies in the preparation of the EIS. USACE will consult with the SHPO, Federally recognized Tribes, and other consulting parties to fulfill its responsibilities under Section 106 of the National Historic Preservation Act and will consult with the U.S. Fish and Wildlife Service to fulfill its responsibilities under Section 7 of the Endangered Species Act.

10. *Availability of Draft EIS and Public Comment:* The Draft EIS is estimated to be available for public review and comment in the fall of 2023. At that time a 60-day public review period will be provided for individuals and agencies to review and comment on the Draft EIS.

Kimberly A. Peebles,

Brigadier General, U.S. Army, Commander, Great Lakes and Ohio River Division.

[FR Doc. 2022-17444 Filed 8-12-22; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. OR22-5-000]

TransMontaigne Partners LLC and TransMontaigne Operating Company LP v. Colonial Pipeline Company; Notice of Complaint

Take notice that on August 8, 2022, pursuant to sections 1(4), 1(6), 3, 6, 13(1), and 15(1) of the Interstate Commerce Act (ICA), 49 U.S.C. App. 1(4), 1(6), 3, 6, 13(1), and 15(1); Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2021); and Rules 343.1(a) and 343.2(c) of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1(a) and 343.2(c) (2021), TransMontaigne Partners LLC and TransMontaigne Operating Company LP (collectively TransMontaigne or Complainants) filed a formal complaint against Colonial Pipeline Company, (Colonial or Respondent) challenging the lawfulness of Colonial's denial of In-Transit storage privileges associated with TransMontaigne's Collins, Mississippi terminal/storage facility and the corresponding rate structure and terms and conditions of service, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to

Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on September 7, 2022.

Dated: August 9, 2022.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2022-17489 Filed 8-12-22; 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: EC22-99-000.

Applicants: Energywell Think Holdings, LLC, ENGIE Retail, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of ENGIE Retail, LLC, et al.

Filed Date: 8/8/22.

Accession Number: 20220808-5191.

Comment Date: 5 p.m. ET 8/29/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22-201-000.

Applicants: Chaparral Springs, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Chaparral Springs, LLC.

Filed Date: 8/8/22.

Accession Number: 20220808-5149.

Comment Date: 5 p.m. ET 8/29/22.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL22-83-000.

Applicants: Invenergy Transmission LLC v. Midcontinent Independent System Operator, Inc.

Description: Complaint of Invenergy Transmission LLC vs. Midcontinent Independent System Operator, Inc.

Filed Date: 8/8/22.

Accession Number: 20220808-5195.

Comment Date: 5 p.m. ET 9/7/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22-1679-000.

Applicants: Google Energy LLC.

Description: Second Supplement to April 22, 2022 Google Energy LLC tariff filing.

Filed Date: 8/8/22.

Accession Number: 20220808-5187.

Comment Date: 5 p.m. ET 8/29/22.

Docket Numbers: ER22-2085-000.

Applicants: Bear Ridge Solar LLC.

Description: Bear Ridge Solar LLC Submits Supplemental Information to its June 8, 2022 Request for Limited Relief from the Regulatory Milestone Requirement of the NYISO's OATT.

Filed Date: 8/3/22.

Accession Number: 20220803-5156.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22-2247-001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2022-08-09_SA 3332 SIGE-Grandview Solar Sub 1st Rev GIA (J783) to be effective 6/16/2022.

Filed Date: 8/9/22.

Accession Number: 20220809-5083.

Comment Date: 5 p.m. ET 8/30/22.

Docket Numbers: ER22-2623-000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 5461 and ICSA SA No. 5462 to be effective 8/6/2022.

Filed Date: 8/9/22.

Accession Number: 20220809-5031.

Comment Date: 5 p.m. ET 8/30/22.

Docket Numbers: ER22-2624-000.

Applicants: Middletown Coke Company, LLC.

Description: § 205(d) Rate Filing: Norma filing 2022 to be effective 10/1/2022.

Filed Date: 8/9/22.

Accession Number: 20220809-5037.

Comment Date: 5 p.m. ET 8/30/22.

Docket Numbers: ER22-2625-000.

Applicants: Basin Electric Power Cooperative.

Description: Tariff Amendment: Basin Electric Notice of Cancellation of

Service Agreement Nos. 48 & 49 to be effective 8/5/2022.

Filed Date: 8/9/22.

Accession Number: 20220809–5054.

Comment Date: 5 p.m. ET 8/30/22.

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: August 9, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17488 Filed 8–12–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2905–035]

Village of Enosburg Falls, Vermont; Notice of Intent To Prepare an Environmental Assessment

On April 30, 2021, the Village of Enosburg Falls, Vermont (Village) filed a relicense application for the 975-kilowatt Enosburg Falls Hydroelectric Project No. 2905 (project). The project is located on the Missisquoi River in

Franklin County, Vermont. The project does not occupy federal land.

In accordance with the Commission’s regulations, on June 2, 2022, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission’s final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	February 2023. ¹
Comments on EA	March 2023.

Any questions regarding this notice may be directed to John Baummer at (202) 502–6837 or john.baummer@ferc.gov.

Dated: August 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17496 Filed 8–12–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2622–000]

Chaparral Springs, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chaparral Springs, LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 29, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the

Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

¹ The Council on Environmental Quality’s (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal

action agency’s decision to prepare an EA. This notice establishes the Commission’s intent to prepare an EA for the Enosburg Falls Hydroelectric

Project. Therefore, in accordance with CEQ’s regulations, the EA must be issued within 1 year of the issuance date of this notice.

Dated: August 9, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022-17490 Filed 8-12-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2905-035]

Village of Enosburg Falls, Vermont; Notice of Waiver Period for Water Quality Certification Application

On August 1, 2022, the Village of Enosburg Falls, Vermont submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Vermont Department of Environmental Conservation (Vermont DEC), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 4.34(b)(5) of the Commission's regulations,¹ we hereby notify the Vermont DEC of the following:

Date of Receipt of the Certification Request: August 1, 2022.

Reasonable Period of Time to Act on the Certification Request: One year (August 1, 2023).

If Vermont DEC fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 9, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022-17497 Filed 8-12-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP22-1095-001.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Tariff Amendment: Errata to Limited Section 4 to adjust Fuel Gas

and L&U Retention Factors 2022 to be effective 9/1/2022.

Filed Date: 8/8/22.

Accession Number: 20220808-5058.

Comment Date: 5 p.m. ET 8/22/22.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

Filings Instituting Proceedings

Docket Numbers: RP22-1113-000.

Applicants: J. Aron & Company, LLC, Constellation Energy Generation, LLC, Tennessee Gas Pipeline Company, L.L.C.

Description: Petition for Approval of Settlement of Constellation Energy Generation, LLC, et al. under RP22-1113.

Filed Date: 8/8/22.

Accession Number: 20220808-5075.

Comment Date: 5 p.m. ET 8/22/22.

Docket Numbers: RP22-1114-000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Compliance filing: Penalties Assessed Compliance Filing 2022 to be effective N/A.

Filed Date: 8/9/22.

Accession Number: 20220809-5039.

Comment Date: 5 p.m. ET 8/22/22.

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: August 9, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022-17491 Filed 8-12-22; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2022-0132; FRL-9411-06-OCSP]

Certain New Chemicals; Receipt and Status Information for July 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 7/1/2022 to 7/31/2022.

DATES: Comments identified by the specific case number provided in this document must be received on or before September 14, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2022-0132, and the specific case number for the chemical substance related to your comment, 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/>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202)

¹ 18 CFR 4.34(b)(5).

564–8593; email address: rahai.jim@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document provides the receipt and status reports for the period from 7/1/2022 to 07/31/2022. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

C. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA

has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: <https://www.epa.gov/oppt/newchems>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit CBI information to EPA through [regulations.gov](https://www.epa.gov/regulations) 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. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL-4942-7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.*, domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G)

indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions

which are amendments to previous submissions will have a case number followed by the letter "A" (e.g. P-18-1234A). The version column designates submissions in sequence as "1", "2", "3", etc. Note that in some cases, an initial submission is not numbered as

version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 7/1/2022 TO 7/31/2022

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-19-0160A	6	07/21/2022	CBI	(S) Component of a UV curable printing ink.	(G) Alkanesulfonic acid, 2-[(2-aminoethyl)heteroatom-substituted]-, sodium salt (1:1), polymer with alpha-[2,2-bis(hydroxymethyl)butyl]-omega-methoxypoly(oxy-1,2-ethanediyl) and 1,1'-methylenebis[4-isocyanatocyclohexane], acrylic acid-dipentaerythritol reaction products- and polypropylene glycol ether with pentaerythritol (4:1) triacrylate-blocked.
P-20-0108A	5	07/06/2022	CBI	(G) Film-forming polymer.	(G) Alkanoic acid, compds. with diphenolmethane derivative-N1,N1-dialkyl-1,3-alkanediamine-epichlorohydrin-2-cyclic ester homopolymer with dialkylene glycol (2:1) polymer-dialkanolamine reaction products.
P-20-0108A	6	07/15/2022	CBI	(G) Film-forming polymer.	(G) Alkanoic acid, compds. with diphenolmethane derivative-N1,N1-dialkyl-1,3-alkanediamine-epichlorohydrin-2-cyclic ester homopolymer with dialkylene glycol (2:1) polymer-dialkanolamine reaction products.
P-21-0011A	4	07/22/2022	CBI	(S) Crosslinking agent for inks and coatings.	(G) Hexane, 1,6-diisocyanato-, homopolymer, alkyl epoxy ether- and polyethylene glycol mono-Me ether-blocked, reaction products with propylenimine.
P-21-0098A	5	07/06/2022	Hubergroup ..	(S) Co-initiator for the curing of UV printing inks.	(G) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-[2(or 3)-[[substituted benzoyl]oxy]hydroxypropoxy]-, alpha, alpha", alpha" -ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1).
P-21-0174A	2	07/06/2022	Marubeni America Corporation.	(G) Raw material for polyurethane.	(G) Carbonic acid, ester, polymer with alkanediol (C=4,5).
P-22-0002	3	07/21/2022	Materion Advanced Chemicals.	(G) This product is used for the manufacturing of electronic devices.	(G) Metal Oxide Chloride.
P-22-0040A	2	07/15/2022	Natron Energy.	(G) Component used in manufacture of high performance batteries.	(S) Manganate(4-), hexakis(cyano-kappa.C)-, manganese (2+) sodium, (OC-6-11)-.
P-22-0041A	2	07/15/2022	Natron Energy.	(G) A component used in the manufacture of batteries.	(S) Ferrate (-4), hexakis(cyano-kappa.C)-, iron(3+) manganese(2+) sodium, (OC-6-11)-.
P-22-0069A	2	07/25/2022	CBI	(G) Component in battery.	(G) fluoroheteroacid, metal salt.
P-22-0071A	3	07/13/2022	Lamberti USA Inc.	(G) Industrial Surfactant.	(S) D-Glucopyranose, oligomeric, maleates, C9-11-alkyl glycosides, sulfonated, potassium salts.
P-22-0072A	3	07/13/2022	Lamberti USA Inc.	(G) Industrial Surfactant.	(S) D-Glucopyranose, oligomeric, maleates, decyl octyl glycosides, sulfonated, potassium salts.
P-22-0073A	3	07/13/2022	Lamberti USA Inc.	(G) Industrial Surfactant.	(S) D-Glucopyranose, oligomeric, maleates, C10-16-alkyl glycosides, sulfonated, potassium salts.
P-22-0087A	2	06/29/2022	Hubergroup ..	(S) Binder for energy-curing printing inks.	(S) Fatty acids, C18-unsatd., dimers, polymers with acrylic acid, bisphenol A, epichlorohydrin, oleic acid, 2,2'-[oxybis(methylene)]bis[2-ethyl-1,3-propanediol] and phthalic anhydride.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 7/1/2022 TO 7/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-22-0087A	3	07/06/2022	Hubergroup ..	(S) Binder for energy-curing printing inks.	(S) Fatty acids, C18-unsatd., dimers, polymers with acrylic acid, bisphenol A, epichlorohydrin, oleic acid, 2,2'-[oxybis(methylene)]bis[2-ethyl-1,3-propanediol] and phthalic anhydride.
P-22-0088A	2	06/29/2022	Hubergroup ..	(S) Binder for energy-curing printing inks.	(S) Fatty acids, C18-unsatd., dimers, polymers with acrylic acid, bisphenol A, epichlorohydrin, oleic acid, pentaerythritol and phthalic anhydride.
P-22-0088A	3	07/06/2022	Hubergroup ..	(S) Binder for energy-curing printing inks.	(S) Fatty acids, C18-unsatd., dimers, polymers with acrylic acid, bisphenol A, epichlorohydrin, oleic acid, pentaerythritol and phthalic anhydride.
P-22-0118A	4	06/29/2022	Elantas PDG, Inc.	(S) RV9054 is an unsaturated polyester resin used as a diluent in a finished product.	(S) Hexanedioic acid, polymer with 1,2,3-propanetriol and 1,3,5-tris(2-hydroxyethyl)-1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 3-methyl-3-buten-1-yl ester.
P-22-0125A	3	06/30/2022	CBI	(G) corrosion inhibitor	(G) Isononanoylamidocaproic Acid.
P-22-0130	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, octanoate.
P-22-0131	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, hexadecanoate.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 7/1/2022 TO 7/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-22-0132	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products.	(S) Maltodextrin, decanoate.
P-22-0133	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products products (e.g., cleaners).	(S) Maltodextrin, octadecanoate.
P-22-0134	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products products (e.g., cleaners).	(S) Maltodextrin, dodecanoate.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 7/1/2022 TO 7/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-22-0135	2	07/08/2022	Integrity Bio-Chemical, LLC.	(S) Surfactant—surface tension reducing agent for use in production enhancement in oil wells (industrial), Emulsifier, Surface reduction Household and industrial detergents, Wetting agent Personal care, Agriculture, Surfactants—as raw materials for use in the manufacture of industrial products and consumer and household products (e.g., cleaners).	(S) Maltodextrin, tetradecanoate.
P-22-0137	2	07/18/2022	Sachem Inc	(G) Intermediate for making quaternary ammonium salt.	(G) alkyl dialkylamine.
P-22-0138	3	07/18/2022	Sachem Inc	(S) Intermediate for making hydroxide salt.	(G) Tetraalkylammonium chloride.
P-22-0140	2	07/02/2022	CBI	(G) Corrosion inhibitor	(G) 6-[(alkyl-1-oxohexyl)amino]-hexanoic acid, compd. with cyclohexylamine (1:1).
P-22-0144	1	06/30/2022	United Color Manufacturing.	(G) Intermediate	(G) Alkylated PhenylNaphthylamine.
P-22-0145	2	07/01/2022	Allnex USA Inc.	(S) The PMN substance will be used as a reactive-diluent in a polyol component of a 2K (Isocyanate-Polyol) Urethane coating system for interior concrete floor sealant or interior/exterior paver sealer.	(G) Alkanoic acid, trialkyl-, diester with carbomonocycle bis(alkyleneoxy)]bis[alkanediol].
P-22-0146	3	07/06/2022	Allnex USA Inc.	(S) Water based formaldehyde free crosslinker.	(G) Carbamic acid, N,N',N"-1,3,5-triazine-2,4,6-triyltris-, mixed alkyl alkoxy triesters.
P-22-0147	1	07/12/2022	VP Racing Fuels, Inc.	(S) Feedstock for Gasoline to include Racing Fuels.	(S) Hydrocarbons, C5-10.
P-22-0147A	2	07/21/2022	VP Racing Fuels, Inc.	(S) Feedstock for Gasoline to include Racing Fuels.	(S) Hydrocarbons, C5-10.
P-22-0148	2	07/25/2022	CBI	(G) Intermediate	(G) Substituted benzonitrile.
P-22-0150	1	07/25/2022	CBI	(G) Photolithography ..	(G) Sulfonium, tricyclic-, alpha, alpha, beta, beta-polyhalopolyhydroheteropolycyclic-5-alkanesulfonate (1:1).
P-22-0151	1	07/26/2022	Locus Fermentation Solutions.	(G) Surfactant for commercial applications.	(G) Glycolipids, sophorose-contg., yeast-fermented, from glycerides and carbohydrates.
SN-21-0013A	3	07/15/2022	Koch Agromonic Services.	(S) Additive for urea ammonium nitrate, UAN, fertilizer for boom spray applications.	(S) Urea, reaction products with N-butylphosphorothioic triamide and formaldehyde.
SN-22-0010	1	07/15/2022	CBI	(S) Monomer chemical, reactive diluent in UV coating formulations and reactive diluent, additive in UV adhesive formulations.	(S) 2-Oxazolidinone, 3-ethenyl-5-methyl-.

TABLE I—PMN/SNUN/MCANs APPROVED * FROM 7/1/2022 TO 7/31/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
SN-22-0011	1	07/18/2022	CBI	(G) Chemical Intermediate.	(G) Haloalkylfurancarboxaldehyde.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned

to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the

type of amendment (e.g., amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCs APPROVED * FROM 7/1/2022 TO 7/31/2022

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J-22-0013	07/25/2022	07/15/2022	N	(G) Genetically modified microorganism for chemical production.
P-15-0691	07/26/2022	07/22/2022	N	(G) Acrylate, polymer with substituted ethyleneamine.
P-18-0289	07/01/2022	06/22/2022	N	(G) 2-(2(methylcarboxymonocyclic)amino)ethoxy)-alcohol.
P-18-0290	07/01/2022	06/22/2022	N	(G) Carbomonocyclic-oxazolidine.
P-19-0037	07/10/2022	05/27/2022	N	(G) D-glucaric acid, mixed alkali metal salt.
P-19-0135	07/19/2022	07/08/2022	N	(G) Alkyl polyoxyethylene ethers, carboxymethylated.
P-21-0067	06/30/2022	06/24/2022	N	(G) Arylfurandione, [bis(trihaloalkyl)alkylidene]bis-, polymer with alkanediamine.
P-21-0217	07/28/2022	07/06/2022	N	(G) Multi-walled carbon nanotubes.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has

been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the

type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 7/1/2022 TO 7/31/2022

Case No.	Received date	Type of test information	Chemical substance
P-14-0712	07/25/2022	Polychlorinated Dibenzodioxins and Polychlorinated dibenzofurans Testing.	(S) Waste plastics, pyrolyzed, C5-55 fraction.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 10, 2022.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2022-17474 Filed 8-12-22; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL MARITIME COMMISSION

[Docket No. 22-19]

Request for Information

AGENCY: Federal Maritime Commission.

ACTION: Request for Information.

SUMMARY: The Federal Maritime Commission seeks public comment on whether congestion of the carriage of goods has created an emergency situation causing a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system. Information received in response to this request will help inform the Commission's decision on whether an emergency situation exists, and whether

to issue an emergency order to address any such situation.

DATES: Submit comments on or before September 14, 2022.

ADDRESSES: You may submit comments, identified by Docket No. 22-19, by email to: secretary@fmc.gov. For comments, include in the subject line: "Docket No. 22-19, Request for Information." Comments should be attached to the email as a Microsoft Word or text-searchable PDF document.

• **Instructions:** For detailed instructions on submitting comments, including requesting confidential treatment of comments, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change

to the Commission's website unless the commenter has requested confidential treatment.

FOR FURTHER INFORMATION CONTACT:
William Cody, Secretary; Phone: (202) 523-5908; Email: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 16, 2022, the Ocean Shipping Reform Act of 2022 ("OSRA 2022") became law.¹ Section 18 of OSRA 2022 authorizes the Federal Maritime Commission (the Commission) to issue an emergency order requiring any common carrier or marine terminal operator to share certain information with shippers and other specified entities when the Commission unanimously determines that congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international transportation supply system.²

If the Commission determines that cargo congestion has created an emergency situation, it may issue an order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability. Such information sharing among industry participants is to improve the efficient transportation, loading, and unloading of cargo to or from (1) any inland destination or point of origin, (2) any vessel, or (3) any point on a wharf or terminal.³

Any Commission-issued emergency order must be tailored in terms of duration and geographic scope; consider the likely burdens on common carriers and marine terminal operators; and consider the likely benefits on congestion relating to the purposes of the Shipping Act stated in 46 U.S.C. 40101.⁴

An emergency order issued under OSRA 2022 would remain in effect for a period of not longer than 60 days and may be renewed by a unanimous vote of the Commission. The authority to issue an emergency order under Section 18 of OSRA 2022 terminates 18 months after the date of enactment of the Act.⁵

A common carrier or marine terminal operator subject to a Commission-issued emergency order may file a petition for exception from one or more requirements of the emergency order. Petitions for exception must be based on a showing of undue hardship or other condition rendering compliance with such a requirement impracticable. Not later than 21 days from the petition filing date, the Commission is required to determine whether to grant the petition.⁶

Section 18 of OSRA 2022 requires that, not later than 60 days after the effective date of the Act, the Commission must issue a request for information seeking public comment regarding specific criteria—namely, (1) whether congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system, (2) whether an emergency order under Section 18 would alleviate such an emergency situation, and (3) the appropriate scope of such an emergency order, if applicable.⁷ During this process, the Commission may also consult (as it deems appropriate) with other Federal departments and agencies and persons with expertise relating to maritime and freight operations.⁸ This notice fulfills this OSRA 2022 requirement.

II. Request for Information

At the beginning of the COVID-19 pandemic, the demand for worldwide ocean transportation services decreased significantly as lockdowns were imposed globally and people were hesitant to engage in normal economic activities. Accordingly, ocean common carriers cancelled many voyages, and the supply of ocean transportation services decreased.

Within a few months, however, U.S. consumer spending shifted markedly. Spending on services decreased significantly, while consumer spending on goods increased considerably—leading to a renewed and increased demand for ocean transportation services. Carriers responded with increases in vessel capacity, however this rapid shift in cargo volumes driven by consumer demand led to bottlenecks throughout the U.S. supply chain system. In particular, increased container dwell times at marine terminals led to inefficiencies, including

delays in vessel berthing and motor carrier services at U.S. ports.

Over the last 2 years, there have been a variety of strategies employed by industry participants to reduce congestion throughout the U.S. ocean transportation system. For example, some carriers have diverted vessel services away from the most congested port areas in an effort to alleviate severe cargo congestion at major U.S. ports. This shift, however, has often resulted in increased congestion at previously non- or less-congested U.S. port areas or regions. Total U.S. port congestion, measured by the number of containers on ships waiting to berth, average ship waiting time at key U.S. ports, and container dwell time have all decreased in recent months. Relevant metrics, however, remain higher than pre-pandemic levels.

In view of these factors and consistent with the requirements set out in Section 18 of OSRA 2022, the Commission is seeking public comments on the following:

(1) Whether congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system. If so, please explain why and provide examples or data to support your view. If not, please explain why and provide examples or data to support your view;

(2) Whether an emergency order pursuant to Section 18 of OSRA 2022 would alleviate or improve such an emergency situation—and if so, why, and if not, why not; and

(3) The appropriate scope (duration and geographic) of such an emergency order, if the Commission were to issue such an order and the basis for that scope.

III. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the docket, please include the docket number of this document in your comments.

You may submit your comments via email to the email address listed above under **ADDRESSES**. Please include the docket number associated with this notice and the subject matter in the subject line of the email. Comments should be attached to the email as a Microsoft Word or text-searchable PDF document.

¹ Ocean Shipping Reform Act of 2022 ("OSRA 2022"), Public Law 117-146 (June 16, 2022).

² See generally, OSRA 2022, sec. 18(c)-(d).

³ See OSRA 2022, sec. 18(c).

⁴ See 46 U.S.C. 40101. See also OSRA 2022, sec. 18(d)(2) (detailing the criteria for the Commission to consider when issuing an emergency order under Section 18).

⁵ See OSRA 2022, sec. 18(f)(1)-(2).

⁶ See OSRA, sec. 18(e)(1)-(2).

⁷ See OSRA 2022, sec. 18(b)(1)(A)-(C).

⁸ See OSRA 2022, se. 18(b)(2).

How do I submit confidential business information?

The Commission will provide confidential treatment for identified confidential information to the extent allowed by law. If your comments contain confidential information, you must submit the following by email to the address listed above under

ADDRESSES:

- A transmittal letter requesting confidential treatment that identifies the specific information in the comments for which protection is sought and demonstrates that the information is a trade secret or other confidential research, development, or commercial information.

- A confidential copy of your comments, consisting of the complete filing with a cover page marked “Confidential-Restricted,” and the confidential material clearly marked on each page.

- A public version of your comments with the confidential information excluded. The public version must state “Public Version—confidential materials excluded” on the cover page and on each affected page and must clearly indicate any information withheld.

Will the Commission consider late comments?

The Commission will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments received after that date.

How can I read comments submitted by other people?

You may read the comments received by the Commission at the Commission’s Electronic Reading Room at <https://www2.fmc.gov/readingroom/>.

By the Commission.

William Cody,
Secretary.

[FR Doc. 2022–17582 Filed 8–12–22; 8:45 am]

BILLING CODE 6730–02–P

GOVERNMENT ACCOUNTABILITY OFFICE**Comptroller General’s Advisory Council on Government Auditing Standards; Notice of Meeting**

The Comptroller General’s Advisory Council on Government Auditing Standards will hold a meeting on Wednesday, September 21, 2022, from 10:00 a.m. to 1:30 p.m. to discuss updates and revisions to the Government Auditing Standards. The

meeting will be virtual and is open to the public.

The agenda, discussion materials and teleconference information for the virtual meeting will be available at <https://www.gao.gov/yellowbook> approximately one week before the meeting. Any interested person may attend the meeting as an observer. Members of the public will be provided an opportunity to present questions to the Council during a brief period in the afternoon on matters directly related to the proposed update and revision.

Questions concerning the meeting may be emailed to YellowBook@gao.gov. For further information, please contact Roger Bradley, Senior Auditor, at 202–512–7069. To request a reasonable accommodation (RA) for this event, email GAO’s RA office at ReasonableAccommodations@gao.gov. Please request all accommodations at least 5 business days prior to the event (by September 14th).

Authority: Pub. L. 67–13, 42 Stat. 20 (June 10, 1921).

James R. Dalkin,

Director, Financial Management and Assurance, U.S. Government Accountability Office.

[FR Doc. 2022–17466 Filed 8–12–22; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[Docket No. CDC–2022–0096; NIOSH 232]

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH), National Firefighter Registry Subcommittee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH), National Firefighter Registry Subcommittee. This meeting is open to the public via virtual meeting, limited only by the number of web conference seats (500 web conference seats are available). Time will be available for public comment.

DATES: The meeting will be held on September 6, 2022, from 1:00 p.m. to 4:45 p.m., EDT.

Written comments must be received on or before August 30, 2022.

ADDRESSES: If you wish to attend the meeting, please register at the NIOSH website at <https://www.cdc.gov/niosh/bsc/nfrs/registration.html> or by telephone at (404) 498–2581 no later than August 30, 2022.

You may submit comments, identified by Docket No. CDC–2022–0096; NIOSH–232, by either of the methods listed below. Do not submit comments for the docket by email. CDC does not accept comments for the docket by email.

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

- *Mail:* Sherri Diana, NIOSH Docket Office, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, Mailstop C–34, Cincinnati, Ohio 45226. Attn: Docket No. CDC–2022–0096; NIOSH–232.

Instructions: All submissions received must include the Agency name and Docket Number. Docket No. CDC–2022–0096; NIOSH–232 will close August 30, 2022.

FOR FURTHER INFORMATION CONTACT:

Emily J.K. Novicki, M.A., M.P.H., Designated Federal Officer, BSC, NIOSH, CDC, 1600 Clifton Road NE, Mailstop V24–4, Atlanta, Georgia, 30329–4027; Telephone: (404) 498–2581; Email: ENovicki@cdc.gov.

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Health and Human Services, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly, or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health.

The Board of Scientific Counselors, National Institute for Occupational Safety and Health provides advice to the Director, National Institute for Occupational Safety and Health, on NIOSH research and prevention programs. The Board also provides guidance on the Institute’s research activities related to developing and evaluating hypotheses, systematically documenting findings, and disseminating results. In addition, the Board evaluates the degree to which the activities of NIOSH: (1) conform to those standards of scientific excellence appropriate for Federal scientific institutions in accomplishing objectives

in occupational safety and health; (2) address currently relevant needs in the fields of occupational safety and health either alone or in conjunction with other known activities inside and outside of NIOSH; and (3) produce their intended results in addressing important research questions in occupational safety and health, both in terms of applicability of the research findings and dissemination of the findings.

Purpose: The BSC, NIOSH National Firefighter Registry Subcommittee (the Subcommittee) provides scientific expertise to the Board of Scientific Counselors that will assist the BSC in advising the Director about NIOSH's efforts to establish and operate the National Firefighter Registry. Specifically, the Subcommittee advises the Board of Scientific Counselors on the following issues pertaining to the "required strategy" as mandated by the Firefighter Cancer Registry Act of 2018 (the Act): (1) Increase awareness of the National Firefighter Registry and encourage participation among all groups of firefighters; (2) consider data collection needs; (3) consider data storage and electronic access of health information; and (4) in consultation with subject matter experts, develop a method for estimating the number and type of fire incidents attended by a firefighter. Additional responsibilities of the Subcommittee are to provide guidance to the BSC regarding inclusion and the maintenance of data on firefighters as required by the Act.

Matters To Be Considered: The agenda for the meeting addresses issues related to: The National Firefighter Registry project overview and status, protocol updates, enrollment system demonstration, project launch, and future planning applicable to stakeholders. Agenda items are subject to change as priorities dictate.

The agenda is posted on the NIOSH website at <https://www.cdc.gov/niosh/bsc/nfrs/>.

Public Participation

Written Public Comment: Written comments will be accepted per the instructions provided in the **ADDRESSES** section above. Comments received in advance of the meeting are part of the public record and are subject to public disclosure. They will be included in the official record of the meeting. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written comments received by August 30, 2022, will be provided to the Subcommittee prior to the meeting.

Oral Public Comment: The public is welcome to participate during the public comment period, from 3:15 p.m. to 3:30 p.m., EDT, September 6, 2022. Each commenter will be provided up to 5 minutes for comment. A limited number of time slots are available and will be assigned on a first-come, first-served basis. Members of the public who wish to address the Subcommittee are requested to contact Designated Federal Officer for scheduling purposes (see **FOR FUTHER INFORMATION CONTACT** above).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit,
Office of the Chief Operating Officer, Centers
for Disease Control and Prevention.

[FR Doc. 2022-17476 Filed 8-12-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2022-N-1633]

Soliciting Public Comment on Appendix A of the Food and Drug Administration's July 2018 Guidance Entitled "Abbreviated New Drug Application Submissions—Amendments To Abbreviated New Drug Applications Under Generic Drug User Fee Amendments;" Notice; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the establishment of a docket to solicit comments on the content of Appendix A in the July 2018 guidance for industry entitled "ANDA Submissions—Amendments to Abbreviated New Drug Applications Under GDUFA" (ANDA Amendments Guidance). We are soliciting comments on the content of Appendix A. The Agency is taking this action to fulfill the Agency's commitment described in section IX.B. of the GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023–2027 Commitment Letter (GDUFA III Commitment Letter).

DATES: Either electronic or written comments must be submitted by October 14, 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 14, 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-1633 for “Soliciting Public Comment on Appendix A of FDA’s July 2018 Guidance Entitled ‘ANDA Submissions—Amendments to Abbreviated New Drug Applications Under GDUFA’; Notice; Establishment of a Public Docket; Request for Comments.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

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

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Office of Generic Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993-0002, 301-796-3471.

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the President signed the Generic Drug User Fee Amendments (GDUFA I) into law. GDUFA must be reauthorized every 5 years so FDA can continue to assess and collect GDUFA fees, and was most recently authorized in the FDA Reauthorization Act of 2017, Public Law 115-52 (GDUFA II) on August 18, 2017, for fiscal years 2018–2022. In a joint effort in anticipation of GDUFA reauthorization in 2022, the Agency and representatives from the generic drug industry negotiated the draft agreement reflected in the GDUFA III Commitment Letter.¹ Specifically, FDA agreed to performance goals and program enhancements regarding aspects of the generic drug assessment program that build on the GDUFA program established and enhanced through previous authorizations. New enhancements to the program are designed to maximize the efficiency and utility of each assessment cycle, with the intent of reducing the number of assessment cycles for abbreviated new drug applications (ANDAs) and facilitating timely access to quality, affordable, safe, and effective generic medicines.

In the GDUFA III Commitment Letter, FDA agreed to issue a **Federal Register** notice on or before April 30, 2023, to solicit public comment on the content of Appendix A in the ANDA Amendments Guidance.² The ANDA Amendments Guidance describes amendment classifications (“major” or “minor” amendments) and categories (amendments subject to “priority” or

“standard” review goals) and explains how amendment submission classification and category may affect an amendment’s performance goal date. The guidance superseded a 2001 guidance entitled “Major, Minor, and Telephone Amendments to Abbreviated New Drug Applications” (2001 guidance), which contained descriptions of major and minor amendments; however, these descriptions were considered during GDUFA II negotiations and were incorporated into the GDUFA II Commitment Letter.³ Accordingly, the ANDA Amendments Guidance incorporates the descriptions from the 2001 guidance, and provides further description of these amendments, including general descriptions and examples of the types of deficiencies that would classify an applicant’s response to these deficiencies as a major or minor amendment. Appendix A in the ANDA amendments guidance (Appendix A: Major Deficiencies) is a non-exhaustive list of examples of deficiencies that the FDA may consider major.

With this notice, FDA is seeking comments on the examples of major deficiencies listed in Appendix A of the ANDA amendments guidance, as well as comment on how any proposed revisions to that list could be beneficial to industry in understanding ANDA amendment classification.

II. Paperwork Reduction Act of 1995

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

III. Electronic Access

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

Dated: August 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022-17414 Filed 8-12-22; 8:45 am]

BILLING CODE 4164-01-P

¹ See “GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023–2027,” available at <https://www.fda.gov/media/153631/download>.

² See the guidance for industry entitled “ANDA Submissions—Amendments to Abbreviated New Drug Applications Under GDUFA,” available at <https://www.fda.gov/media/89258/download>.

³ See “GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2018–2022,” available at <https://www.fda.gov/media/101052/download>.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Infant and Maternal Mortality (Formerly the Advisory Committee on Infant Mortality)

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Infant and Maternal Mortality (ACIMM) has scheduled a public meeting. Information about ACIMM and the agenda for this meeting can be found on the ACIMM website at <https://www.hrsa.gov/advisory-committees/infant-mortality/index.html>.

DATES:

- September 13, 2022, 9 a.m.–4 p.m. Central Time (CT);
- September 14, 2022, 9 a.m.–5 p.m. CT; and
- September 15, 2022, 9 a.m.–12 p.m. CT.

ADDRESSES: This meeting will be conducted in-person at Mystic Lake Center, 2400 Mystic Lake Blvd. NW, Prior Lake, MN 55372. The meeting will also be held via webinar. *The webinar link and log-in information will be available at ACIMM's website before the meeting: <https://www.hrsa.gov/advisory-committees/infant-mortality/index.html>.* Refer to the ACIMM website for any updated information concerning the meeting, including the potential for the meeting to be held virtually only via webinar. If the meeting is changed to virtual only, an update will be posted on the website listed above on or about August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Vanessa Lee, MPH, Designated Federal Official, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Room 18N84, Rockville, Maryland 20857; 301-443-0543; or SACIM@hrsa.gov.

SUPPLEMENTARY INFORMATION: The ACIMM is authorized by section 222 of the Public Health Service Act (42 U.S.C. 217a), as amended. The Committee is governed by provisions of Public Law 92-463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of Advisory Committees.

The ACIMM advises the Secretary of HHS on department activities,

partnerships, policies, and programs directed at reducing infant mortality, maternal mortality and severe maternal morbidity, and improving the health status of infants and women before, during, and after pregnancy. The Committee provides advice on how to coordinate federal, state, local, tribal, and territorial governmental efforts designed to improve these outcomes, as well as influence similar efforts in the private and voluntary sectors. With its focus on underlying causes of the disparities and inequities seen in birth outcomes for women and infants, the Committee also advises the Secretary of HHS on the health, social, economic, and environmental factors contributing to the inequities and proposes structural, policy, and/or systems level changes.

The agenda for the September 13–15, 2022, meeting is being finalized and may include the following topics: infant and maternal mortality among American Indian/Alaska Native (AI/AN) women and infants; indigenous health; and federal program updates. In addition to these topics, it is expected that there will be a discussion of recommendations by the ACIMM to the Secretary of HHS on improving birth outcomes among AI/AN mothers and infants, and then a vote on whether to send the recommendations forward to the Secretary of HHS. Agenda items are subject to change as priorities dictate.

Members of the public will have the opportunity to provide written or oral comments. Requests to submit a written statement or make oral comments to the ACIMM should be sent to Vanessa Lee, using the email address above, at least 3 business days prior to the meeting. Public participants may submit written statements in advance of the scheduled meeting by emailing SACIM@hrsa.gov. Oral comments will be honored in the order they are requested and may be limited as time allows.

Individuals who plan to attend and need special assistance or some reasonable accommodation should notify Vanessa Lee at the contact information listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022-17487 Filed 8-12-22; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Department of Health and Human Services

Office of the Secretary; Emergency Use Authorization; Monkeypox Virus Vaccine

ACTION: Notice.

SUMMARY: The Secretary of Health and Human Services (HHS) is issuing this notice pursuant to section 564 of the Federal Food, Drug, and Cosmetic (FD&C) Act. On August 9, 2022, the Secretary determined pursuant to his authority under section 564 of the FD&C Act that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad that involves monkeypox virus.

On the basis of this determination, he also declared that circumstances exist justifying the authorization of emergency use of vaccines for use against monkeypox virus pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section.

DATES: The determination and declaration are valid August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Dawn O'Connell, Assistant Secretary for Preparedness and Response, Administration for Strategic Preparedness and Response, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201, Telephone (202) 205-2882 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 564 of the FD&C Act, the Commissioner of Food and Drugs of the U.S. Food and Drug Administration (FDA), acting under delegated authority from the Secretary of HHS, may issue an Emergency Use Authorization (EUA) authorizing: (1) the emergency use of an unapproved drug, an unapproved or uncleared device, or an unlicensed biological product; or (2) an unapproved use of an approved drug, approved or cleared device, or licensed biological product. Before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of four determinations: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk

of attack with a, chemical, biological, radiological, or nuclear (“CBRN”) agent or agents; (2) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act¹ sufficient to affect national security or the health and security of United States citizens living abroad; (3) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces, including personnel operating under the authority of title 10 or title 50, of attack with (i) a biological, chemical, radiological, or nuclear agent or agents; or (ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to United States military forces; or (4) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a CBRN agent or agents, or a disease or condition that may be attributable to such agent or agents.²

Based on any of these four determinations, the Secretary of HHS may then declare that circumstances exist that justify the EUA, at which point the Commissioner of Food and Drugs may issue an EUA if the criteria for issuance of an authorization under section 564 of the FD&C Act are met.

The ASPR requested that the Secretary issue the determination and declaration to allow the Department to take measures based on information currently available about monkeypox virus. The determination of a public health emergency or a significant potential for a public health emergency, and the declaration that circumstances exist justifying emergency use of vaccines by the Secretary of HHS, as described below, enable the Commissioner of Food and Drugs to issue an EUA for vaccines for emergency use under section 564 of the FD&C Act.

¹ 42 U.S.C. 247d–6b.

² As amended by the Pandemic and All-Hazards Preparedness Reauthorization Act, Public Law 113–5, the Secretary may make a determination of a public health emergency, or a significant potential for a public health emergency, under section 564 of the FD&C Act. The Secretary is no longer required to make a determination of a public health emergency in accordance with section 319 of the PHS Act, 42 U.S.C. 247d to support a determination or declaration made under section 564 of the FD&C Act.

II. Determination by the Secretary of Health and Human Services

On August 9, 2022, pursuant to section 564 of the FD&C Act, I determined that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad that involves monkeypox virus.

III. Declaration of the Secretary of Health and Human Services

Also on August 9, 2022, on the basis of my determination that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad and that involves monkeypox virus, I declared that circumstances exist justifying the authorization of emergency use of vaccines pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section.

Notice of the EUAs issued by the Commissioner of Food and Drugs pursuant to this determination and declaration will be provided promptly in the **Federal Register** as required under section 564 of the FD&C Act.

Dated: August 10, 2022.

Xavier Becerra,

Secretary, U.S. Department of Health and Human Services.

[FR Doc. 2022–17503 Filed 8–12–22; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Emergency Care Clinical Trials Panel 1.

Date: August 18, 2022.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892, 301–435–6033, rajarams@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 9, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17453 Filed 8–12–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: September 9, 2022.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 300, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3185, Bethesda, MD 20892, 301-402-8837, barbara.thomas@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: August 9, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17452 Filed 8-12-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 HEAL (Helping to End Addiction Long-Term) Multi-Disciplinary Working Group.

The meeting will be open to the public as indicated below. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the 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 program documents and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the program documents, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: HEAL Multi-Disciplinary Working Group.

Date: August 30-31, 2022.

Time: 10:00 a.m. to 1:30 p.m. Eastern Daylight Time (EDT).

Agenda: To review and evaluate Helping to End Addiction Long-Term (HEAL) Initiative projects and obtain expertise from MDWG relevant to the NIH HEAL Initiative and to specific HEAL projects.

Open: August 30, 2022, 10:00 a.m. to 10:45 a.m. EDT.

Closed: August 30, 2022, 10:45 a.m. to 2:30 p.m. EDT.

Closed: August 31, 2022, 10:00 a.m. to 1:30 p.m. EDT.

Place: National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rebecca G. Baker, Ph.D., Office of the Director, National Institutes of Health, 1 Center Drive, Room 103A, Bethesda, MD 20892, (301) 402-1994, Rebecca.baker@nih.gov.

The meeting agenda will be available on the HEAL Initiative website: <https://heal.nih.gov/news>. Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 9, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17454 Filed 8-12-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: September 18-20, 2022.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Jeffrey S. Diamond, Ph.D., Acting Scientific Director, National Institute of Neurological Disorders and Stroke, NIH,

Building 35, Room GF-149, Bethesda, MD 20892, 301-435-1896, diamondj@ninds.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 10, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-17455 Filed 8-12-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2022-0572]

National Offshore Safety Advisory Committee; September 2022 Meeting

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Offshore Safety Advisory Committee (Committee) will meet to discuss matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the United States Coast Guard. The meeting will be open to the public.

DATES:

Meeting: The Committee will hold a meeting on Wednesday, September 14, 2022, from 8 a.m. until 5:30 p.m. Central Daylight Time (CDT). Please note the meeting may close early if the Committee has completed its business.

Comments and supporting documents: To ensure your comments are reviewed by Committee members before the meeting, submit your written comments no later than August 31, 2022.

ADDRESSES: The meeting will be held at the American Bureau of Shipping conference facility located at 1701 City Plaza Drive, Spring, Texas 77389. Attendees at the meeting will be required to follow COVID-19 safety guidelines promulgated by the Centers for Disease Control and Prevention (CDC), which may include the need to wear masks. CDC guidance on COVID protocols can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance.html>.

The National Offshore Safety Advisory Committee 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 call or email the individual in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meeting as time permits, but if you want Committee members to review your comment before the meeting, please submit your comments no later than August 31, 2022. We are particularly interested in comments on the issues in the “Agenda” section below. We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the docket number [USCG–2022–0572]. Comments received will be posted without alteration at <https://www.regulations.gov>, including any personal information provided. You may wish to review the Privacy and Security notice available on the homepage of <https://www.regulations.gov> and DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Docket Search: Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign-up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kimberly Gates, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, 2703 Martin Luther King Jr Ave. SE, Stop 7509, Washington, DC 20593–7509, telephone 202–372–1455 or Kimberly.M.Gates@uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the *Federal Advisory Committee Act*, (5 U.S.C. appendix). The National Offshore Safety Advisory Committee was established on December 4, 2018, by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Pub. L. 115–282, 132 Stat. 4192), and

amended by section 8331 of the *Elijah E. Cummings Coast Guard Authorization Act of 2022* (Pub. L. 116–283). That authority is codified in 46 U.S.C. 15106. The Committee operate under the provisions of the *Federal Advisory Committee Act*, (5 U.S.C. appendix), and 46 U.S.C. 15109. The Committee provides advice and recommendations to the Secretary of Homeland Security on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the United States Coast Guard.

Agenda

The agenda for the September 14, 2022 meeting is as follows:

- (1) Call to order.
- (2) Roll call and determination of quorum.
- (3) Adoption of previous meeting minutes and agenda.
- (4) Opening remarks.
- (5) Update from the Shell AUGER Subcommittee.
- (6) New business.
- (7) Public comment period.
- (8) Closing remarks/plans for next meeting.
- (9) Adjournment of meeting.

A copy of all meeting documentation will be available at:

<https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/nosac/organization> no later than August 31, 2022. Alternatively, you may contact Lieutenant Commander Kimberly Gates as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

During the September 14, 2022 meeting, a public comment period will be held from approximately 4:30 p.m. to 5 p.m. CDT. Speakers are requested to limit their comments to 3 minutes. Please note that this public comment period may start before 4:30 p.m. CDT if all other agenda items have been covered and may end before 5 p.m. CDT if all of those wishing to comment have done so.

Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to register as a speaker.

Dated: August 5, 2022.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2022–17442 Filed 8–12–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0014]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Declaration of Financial Support

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 14, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2006–0072. All submissions received must include the OMB Control Number 1615–0014 in the body of the letter, the agency name and Docket ID USCIS–2006–0072.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on June 9, 2022, at 87 FR

35240, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2006-0072 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Declaration of Financial Support.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-134; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The U.S. Department of Homeland Security (DHS) and consular officers of the Department of State (DOS) use Form I-134 to determine whether, at the time of the beneficiary's application, petition, or request for certain immigration benefits, that beneficiary has sufficient financial support to pay for expenses for the duration of their temporary stay in the United States.

In the context of the Uniting for Ukraine parole process, biographic information about the beneficiary provided on the Form I-134 may be used for security screening and advance travel authorization by U.S. Customs and Border Protection (CBP). Prior to the transmission of this biographic information to CBP for this purpose, the beneficiary must confirm electronically the accuracy of the biographic information provided on their behalf by the Form I-134 respondent/supporter.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-134 (paper) is 2,500 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection I-134 (e-file) is 50,000 and the estimated hour burden per response is 1.83 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 96,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$223,125.

Dated: August 9, 2022.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022-17416 Filed 8-12-22; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0053]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Certification of Military or Naval Service

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 14, 2022.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0053 in the body of the letter, the agency name and Docket ID USCIS-2007-0016. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2007-0016.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2007-0016 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Certification of Military or Naval Service.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N-426; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or

households. The Form N-426 is used by naturalization applicants to document honorable service in the U.S. Armed Forces. The form is filed with U.S. Citizenship and Immigration Services (USCIS) when the respondent applies for naturalization with USCIS Form N-400, Application for Naturalization (OMB Control Number 1615-0052). The Department of Defense (DOD) record centers or personnel offices verify and certify the applicant's military or naval service information provided on Form N-426. USCIS reviews the form as part of the process to determine the applicant's eligibility for naturalization.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N-426 is 10,000 and the estimated hour burden per response is 0.50 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 5,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$245,000.

Dated: August 9, 2022.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022-17415 Filed 8-12-22; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6327-N-01]

Notice of Annual Factors for Determining Administrative Fees for the Section 8 Housing Choice Voucher, Mainstream, and Moderate Rehabilitation Programs for Calendar Year 2021

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: As required by Section 8(q) of the U.S. Housing Act of 1937, this **Federal Register** notice announces the per unit, monthly fee rates used to determine the on-going administrative fees for public housing agencies (PHAs) administering the Housing Choice Voucher (HCV), Mainstream, and

Moderate Rehabilitation programs, including the Moderate Rehabilitation Single Room Occupancy program, for calendar year (CY) 2021. PHAs use administrative fees to cover costs associated with administering the HCV Program. Publishing the CY 2021 fees allow PHAs to budget appropriately and is important for PHA record keeping purposes. Additionally, publishing this notice retroactively allows PHAs to continue portability billing for families that ported in CY 2021. This notice follows HUD's previous publication of the rates on HUD's website and makes no changes to those rates.

FOR FURTHER INFORMATION CONTACT: Miguel A. Fontánez, Director, Housing Voucher Financial Management Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4222, Washington, DC 20410-8000, telephone number 202-402-2934. (This is not a toll-free number). Hearing- or speech-impaired individuals may call TTY number 1 (800) 877-8337.

SUPPLEMENTARY INFORMATION:

A. Background

This Notice provides the methodology used to determine the CY 2021 administrative fee rates by area, which HUD uses to determine administrative fees for the HCV, Mainstream, and Moderate Rehabilitation programs, including the Moderate Rehabilitation Single Room Occupancy programs. The HCV program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Mainstream Vouchers are tenant-based vouchers serving households that include a non-elderly person with a disability, available to PHAs through a competitive Notice of Funding Opportunity (NOFO), and noncompetitively through CARES Act authorization. The Moderate Rehabilitation program provides project-based rental assistance for low-income families. The program was repealed in 1991 and no new projects are authorized for development. Assistance is limited to properties previously rehabilitated pursuant to a Housing Assistance Payment (HAP) contract between an owner and a PHA.

B. CY 2021 Methodology

For CY 2021, in accordance with the 2021 Consolidated Appropriations Act (Pub. L. 116-260, 134 Stat. 1182), administrative fees are determined

based on vouchers leased as of the first day of each month. This data is extracted from the Voucher Management System (VMS) at the close of each reporting cycle and validated prior to use. For the Moderate Rehabilitation program, including the Single Room Occupancy program, administrative fees are earned based on the units under a Housing Assistance Payment (HAP) contract.

In the attached table, two fee rates are provided for each PHA. The first rate, Column A, applies to the first 7,200 voucher unit months leased in CY 2021. The second rate, Column B, applies to all remaining voucher unit months leased in CY 2021. In years prior to 2010, Column C applied to all voucher unit months leased in dwelling units owned by the PHA. For CY 2021, as in recent years, there are no Column C administrative fee rates. Fees for leasing PHA-owned units are determined in the same manner as for all other voucher leasing using the same Column A and Column B rates as for all other voucher leasing.

In some cases, the fee rates calculated for CY 2021 are lower than those established for CY 2020. In these cases, the affected PHAs are held harmless at the CY 2020 fee rates.

The fee rates for each PHA generally cover the fees for areas in which the PHA has the greatest proportion of its participants, based on Public Housing Information Center (PIC) data submitted by the PHA. In some cases, PHAs have participants in more than one fee area. If such a PHA chooses, the PHA may request HUD establish a blended fee rate proportionately to all areas in which participants are located. Once a blended rate is established, it is used to determine the PHA's fee eligibility for all months in CY 2021. The 2021 HCV Funding Implementation Notice described how to apply for blended fee rates and the deadline date for submitting such requests. The notice can be accessed through the following link: <https://www.hud.gov/sites/dfiles/PIH/documents/pih2020-04.pdf>.

PHAs operating over large geographic areas, defined as multiple counties, may request a higher administrative fee rate if eligible under the criteria described in the CY 2019 Implementation Notice. The 2021 HCV Funding Implementation Notice described when to apply for higher fee rates and the deadline date for such requests. Higher administrative fee rates differ from blended administrative fee rates in how they are calculated. Requests for higher administrative rates must clearly demonstrate that the PHA's published rate cannot cover their projected

expenses. Next, a breakeven rate is calculated to ensure the PHA receives sufficient funds to cover their expenses while also ensuring the administrative fee reserves do not grow.

This notice identifies the monthly per-voucher-unit fee rates to be used to determine PHA administrative fee eligibility for the programs identified in this notice. These fee rates remain posted on the Department's website at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv, under Program Related Information.

Direct questions concerning this notice should be directed to the PHA's assigned representative at the Financial Management Center or the Financial Management Division at PIHFinancialManagementDivision@hud.gov.

C. Moving to Work (MTW) Agencies

In cases where an MTW Agency has an alternative formula for calculating HCV administrative fees in Attachment A of its MTW Agreement, HUD calculates the HCV administrative fees in accordance with the MTW Agreement provision.

PHA	A rate	B rate
AK901	\$105.58	\$98.55
AL001	70.47	65.77
AL002	71.58	66.82
AL004	69.54	64.90
AL005	73.06	68.19
AL006	69.54	64.90
AL007	69.54	64.90
AL008	68.62	64.05
AL011	68.62	64.05
AL012	69.54	64.90
AL014	68.62	64.05
AL047	71.60	66.84
AL048	69.54	64.90
AL049	69.54	64.90
AL050	69.54	64.90
AL052	68.62	64.05
AL053	68.62	64.05
AL054	69.54	64.90
AL060	68.62	64.05
AL061	69.54	64.90
AL063	70.47	65.77
AL068	69.54	64.90
AL069	70.47	65.77
AL072	70.47	65.77
AL073	68.79	64.20
AL075	68.62	64.05
AL077	69.54	64.90
AL086	70.47	65.77
AL090	68.62	64.05
AL091	68.62	64.05
AL099	68.62	64.05
AL105	68.62	64.05
AL107	68.62	64.05
AL112	68.62	64.05
AL114	68.62	64.05
AL115	68.62	64.05
AL116	68.62	64.05
AL118	68.62	64.05
AL121	68.62	64.05

PHA	A rate	B rate
AL124	68.79	64.20
AL125	70.47	65.77
AL129	69.54	64.90
AL131	69.54	64.90
AL138	69.54	64.90
AL139	69.54	64.90
AL152	69.54	64.90
AL154	68.62	64.05
AL155	68.62	64.05
AL160	68.62	64.05
AL165	72.62	67.78
AL169	71.58	66.82
AL171	68.62	64.05
AL172	69.54	64.90
AL174	68.62	64.05
AL177	68.62	64.05
AL181	68.62	64.05
AL192	68.62	64.05
AL202	71.58	66.82
AR002	72.66	67.83
AR003	67.37	62.88
AR004	72.66	67.83
AR006	72.66	67.83
AR010	64.07	59.80
AR012	64.07	59.80
AR015	67.59	63.08
AR016	64.07	59.80
AR017	66.60	62.16
AR020	64.07	59.80
AR024	70.49	65.79
AR031	66.60	62.16
AR033	64.07	59.80
AR034	66.60	62.16
AR035	64.07	59.80
AR037	64.07	59.80
AR039	64.07	59.80
AR041	72.66	67.83
AR042	66.60	62.16
AR045	64.07	59.80
AR052	64.07	59.80
AR066	64.07	59.80
AR068	64.07	59.80
AR082	64.07	59.80
AR104	66.60	62.16
AR117	64.07	59.80
AR121	64.07	59.80
AR131	66.60	62.16
AR152	64.07	59.80
AR161	64.07	59.80
AR163	66.60	62.16
AR166	64.07	59.80
AR170	72.66	67.83
AR175	72.66	67.83
AR176	64.07	59.80
AR177	64.07	59.80
AR181	66.60	62.16
AR194	67.37	62.88
AR197	64.07	59.80
AR200	64.07	59.80
AR210	64.07	59.80
AR211	64.07	59.80
AR213	64.07	59.80
AR214	64.07	59.80
AR215	64.07	59.80
AR223	64.07	59.80
AR224	64.07	59.80
AR225	64.07	59.80
AR232	66.60	62.16
AR240	64.07	59.80
AR241	66.97	62.51
AR247	64.07	59.80
AR252	72.66	67.83
AR257	64.07	59.80
AR264	70.49	65.79

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
AR265	64.07	59.80	CA074	132.51	123.69	CO888	74.71	69.72
AR266	64.07	59.80	CA075	132.51	123.69	CO911	80.87	75.48
AZ001	76.57	71.46	CA076	129.40	120.75	CO921	80.87	75.48
AZ003	76.57	71.46	CA077	118.48	110.57	CT001	102.92	96.06
AZ004	75.70	70.64	CA079	132.51	123.69	CT002	110.32	102.97
AZ005	76.57	71.46	CA082	132.51	123.69	CT003	97.01	90.53
AZ006	83.71	78.14	CA084	94.45	88.15	CT004	106.93	99.80
AZ008	61.13	57.06	CA085	129.24	120.64	CT005	97.01	90.53
AZ009	76.57	71.46	CA086	90.28	84.25	CT006	87.62	81.78
AZ010	76.57	71.46	CA088	129.24	120.64	CT007	110.32	102.97
AZ013	85.07	79.40	CA092	132.51	123.69	CT008	97.01	90.53
AZ021	76.57	71.46	CA093	132.51	123.69	CT009	97.01	90.53
AZ023	64.42	60.12	CA094	132.51	123.69	CT010	87.62	81.78
AZ025	75.70	70.64	CA096	92.33	86.17	CT011	106.93	99.80
AZ028	76.57	71.46	CA102	132.51	123.69	CT013	97.01	90.53
AZ031	76.57	71.46	CA103	132.51	123.69	CT015	102.92	96.06
AZ032	76.57	71.46	CA104	132.51	123.69	CT017	102.92	96.06
AZ033	75.70	70.64	CA105	132.51	123.69	CT018	95.23	88.88
AZ034	62.91	58.71	CA106	92.33	86.17	CT019	110.32	102.97
AZ035	85.07	79.40	CA108	118.48	110.57	CT020	110.32	102.97
AZ037	62.91	58.71	CA110	123.69	123.69	CT023	97.01	90.53
AZ041	83.71	78.14	CA111	132.51	123.69	CT024	87.62	81.78
AZ043	102.52	95.69	CA114	132.51	123.69	CT026	97.01	90.53
AZ045	63.35	59.12	CA116	118.48	110.57	CT027	102.92	96.06
AZ880	76.57	71.46	CA117	132.51	123.69	CT028	97.01	90.53
AZ901	83.71	78.14	CA118	132.51	123.69	CT029	106.93	99.80
CA001	132.51	123.69	CA119	132.51	123.69	CT030	102.92	96.06
CA002	132.51	123.69	CA120	132.51	123.69	CT031	85.76	80.04
CA003	132.51	123.69	CA121	132.51	123.69	CT032	97.01	90.53
CA004	132.51	123.69	CA123	132.51	123.69	CT033	97.01	90.53
CA005	100.64	93.93	CA125	115.04	107.37	CT036	97.01	90.53
CA006	92.33	86.17	CA126	132.51	123.69	CT038	97.01	90.53
CA007	100.64	93.93	CA128	100.64	93.93	CT039	97.01	90.53
CA008	100.98	94.25	CA131	115.04	107.37	CT040	97.01	90.53
CA011	132.51	123.69	CA132	118.48	110.57	CT041	97.01	90.53
CA014	132.51	123.69	CA136	132.51	123.69	CT042	106.93	99.80
CA019	105.71	98.67	CA143	96.08	89.68	CT047	87.62	81.78
CA021	129.40	120.75	CA144	87.64	81.79	CT048	97.01	90.53
CA022	105.71	98.67	CA149	100.64	93.93	CT049	97.01	90.53
CA023	86.76	80.98	CA151	100.64	93.93	CT051	97.01	90.53
CA024	96.56	90.13	CA155	118.48	110.57	CT052	102.92	96.06
CA026	97.24	90.74	CO001	80.87	75.48	CT053	97.01	90.53
CA027	105.71	98.67	CO002	74.71	69.72	CT058	87.62	81.78
CA028	92.33	86.17	CO005	84.45	78.82	CT061	87.62	81.78
CA030	86.10	80.37	CO006	72.29	67.47	CT063	106.93	99.80
CA031	132.51	123.69	CO016	91.77	85.64	CT067	106.93	99.80
CA032	132.51	123.69	CO019	80.87	75.48	CT068	97.01	90.53
CA033	114.17	106.54	CO024	72.29	67.47	CT901	97.01	90.53
CA035	132.51	123.69	CO028	75.44	70.42	DC001	119.93	111.95
CA039	96.08	89.68	CO031	72.29	67.47	DC880	119.93	111.95
CA041	115.04	107.37	CO034	86.96	81.17	DE001	95.93	89.53
CA043	88.74	82.81	CO035	74.99	70.00	DE002	81.97	76.51
CA044	100.64	93.93	CO036	80.87	75.48	DE003	95.93	89.53
CA048	76.15	71.07	CO040	111.64	104.20	DE005	95.93	89.53
CA052	132.51	123.69	CO041	86.96	81.17	DE901	81.97	76.51
CA053	83.34	77.78	CO043	84.45	78.82	FL001	77.34	72.19
CA055	115.04	107.37	CO045	72.29	67.47	FL002	81.65	76.20
CA056	132.51	123.69	CO048	80.87	75.48	FL003	81.65	76.20
CA058	132.51	123.69	CO049	80.87	75.48	FL004	85.28	79.59
CA059	132.51	123.69	CO050	80.87	75.48	FL005	110.80	103.42
CA060	132.51	123.69	CO051	94.61	88.30	FL007	81.85	76.40
CA061	87.64	81.79	CO052	80.87	75.48	FL008	89.61	83.64
CA062	132.51	123.69	CO057	80.87	75.48	FL009	86.52	80.75
CA063	118.48	110.57	CO058	80.87	75.48	FL010	103.74	96.83
CA064	114.71	107.06	CO061	91.77	85.64	FL011	67.96	63.43
CA065	115.04	107.37	CO070	91.77	85.64	FL013	110.95	103.57
CA066	115.04	107.37	CO071	75.44	70.42	FL015	72.67	67.82
CA067	132.51	123.69	CO072	80.87	75.48	FL017	110.80	103.42
CA068	132.51	123.69	CO079	84.45	78.82	FL018	66.39	61.96
CA069	92.33	86.17	CO087	111.64	104.20	FL019	78.72	73.49
CA070	80.20	74.86	CO090	74.99	70.00	FL020	78.72	73.49
CA071	132.51	123.69	CO095	106.75	99.63	FL021	86.52	80.75
CA072	132.51	123.69	CO101	72.29	67.47	FL022	81.85	76.40
CA073	115.04	107.37	CO103	86.96	81.17	FL023	89.61	83.64

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
FL024	81.85	76.40	GA264	89.08	83.13	IL035	76.95	71.82
FL025	78.72	73.49	GA269	89.08	83.13	IL037	64.32	60.03
FL026	67.96	63.43	GA285	73.06	68.19	IL038	64.32	60.03
FL028	103.74	96.83	GA901	89.08	83.13	IL039	68.67	64.10
FL030	81.85	76.40	GQ901	122.03	113.90	IL040	64.32	60.03
FL031	64.53	60.23	HI002	122.57	114.40	IL043	64.32	60.03
FL032	66.92	62.45	HI003	135.89	126.84	IL050	64.37	60.08
FL033	85.28	79.59	HI004	135.90	126.85	IL051	70.69	65.98
FL034	81.65	76.20	HI005	138.05	128.86	IL052	64.32	60.03
FL035	66.39	61.96	HI901	135.89	126.84	IL053	64.37	60.08
FL037	77.34	72.19	IA002	68.84	64.25	IL054	100.65	93.93
FL041	86.98	81.19	IA004	72.37	67.55	IL056	100.65	93.93
FL045	86.98	81.19	IA015	68.84	64.25	IL057	64.32	60.03
FL046	66.39	61.96	IA018	72.49	67.66	IL059	64.32	60.03
FL047	85.84	80.13	IA020	81.99	76.53	IL061	65.08	60.74
FL049	64.53	60.23	IA022	83.57	78.01	IL074	69.71	65.05
FL053	66.92	62.45	IA023	73.28	68.40	IL076	64.32	60.03
FL057	64.53	60.23	IA024	79.38	74.08	IL079	64.32	60.03
FL060	83.59	78.02	IA030	68.84	64.25	IL082	64.32	60.03
FL062	81.65	76.20	IA038	79.69	74.38	IL083	72.28	67.46
FL063	73.37	68.48	IA042	68.84	64.25	IL084	68.23	63.68
FL066	110.80	103.42	IA045	76.02	70.96	IL085	65.67	61.30
FL068	110.80	103.42	IA047	68.84	64.25	IL086	68.23	63.68
FL069	66.39	61.96	IA049	68.84	64.25	IL087	64.32	60.03
FL070	73.37	68.48	IA050	79.69	74.38	IL088	64.32	60.03
FL071	67.96	63.43	IA056	68.84	64.25	IL089	79.77	74.45
FL072	81.85	76.40	IA057	68.84	64.25	IL090	100.65	93.93
FL073	72.67	67.82	IA084	68.84	64.25	IL091	64.32	60.03
FL075	81.65	76.20	IA087	73.46	68.56	IL092	100.65	93.93
FL079	103.74	96.83	IA098	72.52	67.70	IL095	75.44	70.41
FL080	86.52	80.75	IA100	68.84	64.25	IL096	64.32	60.03
FL081	103.74	96.83	IA107	68.84	64.25	IL101	100.65	93.93
FL083	86.52	80.75	IA108	68.84	64.25	IL103	100.65	93.93
FL092	66.92	62.45	IA113	79.69	74.38	IL104	79.48	74.18
FL093	85.28	79.59	IA114	68.84	64.25	IL107	100.65	93.93
FL102	66.39	61.96	IA117	73.28	68.40	IL116	100.65	93.93
FL104	81.65	76.20	IA119	68.84	64.25	IL117	70.69	65.98
FL105	89.61	83.64	IA120	81.99	76.53	IL120	64.32	60.03
FL106	85.28	79.59	IA122	68.84	64.25	IL122	72.28	67.46
FL110	66.39	61.96	IA124	68.84	64.25	IL123	64.32	60.03
FL113	81.85	76.40	IA125	68.84	64.25	IL124	79.48	74.18
FL116	103.74	96.83	IA126	76.02	70.96	IL126	64.37	60.08
FL119	86.52	80.75	IA127	68.84	64.25	IL130	100.65	93.93
FL123	81.42	75.99	IA128	68.84	64.25	IL131	76.02	70.96
FL128	85.84	80.13	IA129	68.84	64.25	IL136	100.65	93.93
FL132	86.66	80.91	IA130	68.84	64.25	IL137	101.52	94.74
FL136	103.74	96.83	IA131	81.99	76.53	IL901	100.65	93.93
FL137	81.65	76.20	IA132	79.69	74.38	IN002	55.79	52.07
FL139	67.96	63.43	ID005	71.57	66.80	IN003	61.62	57.52
FL141	89.33	83.37	ID013	88.94	83.01	IN004	57.40	53.57
FL144	110.95	103.57	ID016	88.94	83.01	IN005	57.40	53.57
FL145	110.80	103.42	ID021	88.94	83.01	IN006	68.13	63.59
FL147	66.39	61.96	ID901	74.09	69.14	IN007	59.94	55.95
FL201	85.28	79.59	IL002	100.65	93.93	IN009	55.79	52.07
FL202	64.53	60.23	IL003	79.48	74.18	IN010	75.23	70.22
FL881	110.80	103.42	IL004	72.43	67.60	IN011	75.23	70.22
FL888	81.65	76.20	IL006	70.94	66.21	IN012	64.25	59.97
GA001	73.06	68.19	IL009	76.02	70.96	IN015	60.65	56.61
GA002	73.06	68.19	IL010	76.02	70.96	IN016	59.56	55.59
GA004	73.06	68.19	IL011	64.37	60.08	IN017	68.13	63.59
GA006	89.08	83.13	IL012	68.54	63.97	IN018	55.79	52.07
GA007	73.06	68.19	IL014	76.95	71.82	IN019	59.42	55.45
GA009	73.06	68.19	IL015	69.71	65.05	IN020	60.65	56.61
GA010	89.08	83.13	IL016	64.32	60.03	IN021	57.40	53.57
GA011	89.08	83.13	IL018	76.02	70.96	IN022	61.07	57.01
GA023	73.06	68.19	IL020	76.02	70.96	IN023	64.25	59.97
GA062	69.28	64.66	IL022	72.28	67.46	IN025	64.25	59.97
GA078	89.08	83.13	IL024	100.65	93.93	IN026	59.55	55.58
GA095	89.08	83.13	IL025	100.65	93.93	IN029	75.23	70.22
GA116	89.08	83.13	IL026	100.65	93.93	IN031	55.79	52.07
GA188	89.08	83.13	IL028	72.43	67.60	IN032	56.79	53.00
GA228	89.08	83.13	IL030	69.71	65.05	IN035	57.40	53.57
GA232	89.08	83.13	IL032	76.95	71.82	IN037	59.56	55.59
GA237	89.08	83.13	IL034	70.94	66.21	IN041	55.79	52.07

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
IN043	55.79	52.07	KY140	71.16	66.42	LA207	69.98	65.31
IN047	55.79	52.07	KY141	56.37	52.62	LA211	71.71	66.93
IN048	55.79	52.07	KY142	65.11	60.77	LA212	69.41	64.79
IN050	55.79	52.07	KY157	56.37	52.62	LA213	74.71	69.74
IN055	56.79	53.00	KY160	56.37	52.62	LA214	69.98	65.31
IN056	58.40	54.50	KY161	65.11	60.77	LA215	69.41	64.79
IN058	62.17	58.04	KY163	56.37	52.62	LA220	69.41	64.79
IN060	59.55	55.58	KY169	56.37	52.62	LA222	69.41	64.79
IN062	59.89	55.91	KY171	64.25	59.97	LA229	69.41	64.79
IN067	55.79	52.07	KY901	71.16	66.42	LA230	73.31	68.43
IN071	65.80	61.40	LA001	74.89	69.89	LA232	69.41	64.79
IN073	55.79	52.07	LA002	73.31	68.43	LA233	69.41	64.79
IN078	58.40	54.50	LA003	80.86	75.47	LA238	74.89	69.89
IN079	68.13	63.59	LA004	69.98	65.31	LA241	69.41	64.79
IN080	68.13	63.59	LA005	69.98	65.31	LA242	69.41	64.79
IN086	55.79	52.07	LA006	69.98	65.31	LA246	69.41	64.79
IN091	55.79	52.07	LA009	80.86	75.47	LA247	69.41	64.79
IN092	55.79	52.07	LA012	74.89	69.89	LA248	69.41	64.79
IN094	57.54	53.70	LA013	74.89	69.89	LA253	71.71	66.93
IN100	60.65	56.61	LA023	69.98	65.31	LA257	69.41	64.79
IN901	68.13	63.59	LA024	69.41	64.79	LA258	69.41	64.79
KS001	67.77	63.24	LA029	69.98	65.31	LA266	69.98	65.31
KS002	64.34	60.06	LA031	69.41	64.79	LA888	73.31	68.43
KS004	69.32	64.69	LA032	69.98	65.31	LA889	74.89	69.89
KS006	60.45	56.42	LA033	69.41	64.79	LA903	74.89	69.89
KS017	60.45	56.42	LA036	69.41	64.79	MA001	125.22	116.88
KS038	60.45	56.42	LA037	74.71	69.74	MA002	135.35	126.32
KS041	60.45	56.42	LA046	69.98	65.31	MA003	135.35	126.32
KS043	67.77	63.24	LA057	69.98	65.31	MA005	125.22	116.88
KS053	71.11	66.37	LA063	69.98	65.31	MA006	121.78	113.67
KS062	60.45	56.42	LA067	69.41	64.79	MA007	125.22	116.88
KS063	61.09	57.01	LA074	69.41	64.79	MA008	125.22	116.88
KS068	67.77	63.24	LA086	69.41	64.79	MA010	125.22	116.88
KS073	69.32	64.69	LA094	74.89	69.89	MA012	125.22	116.88
KS091	60.45	56.42	LA097	69.41	64.79	MA013	135.35	126.32
KS149	60.45	56.42	LA101	80.86	75.47	MA014	135.35	126.32
KS159	60.45	56.42	LA103	74.89	69.89	MA015	135.35	126.32
KS161	60.45	56.42	LA104	69.98	65.31	MA016	135.35	126.32
KS162	67.77	63.24	LA111	69.41	64.79	MA017	135.35	126.32
KS165	60.45	56.42	LA114	69.41	64.79	MA018	121.78	113.67
KS166	60.45	56.42	LA115	69.41	64.79	MA019	135.35	126.32
KS167	61.09	57.01	LA120	69.98	65.31	MA020	135.35	126.32
KS168	64.34	60.06	LA122	69.98	65.31	MA022	135.35	126.32
KS170	60.45	56.42	LA125	69.41	64.79	MA023	135.35	126.32
KY001	64.25	59.97	LA128	69.41	64.79	MA024	125.22	116.88
KY003	57.43	53.60	LA129	69.98	65.31	MA025	135.35	126.32
KY004	71.16	66.42	LA132	69.41	64.79	MA026	125.22	116.88
KY007	56.37	52.62	LA159	69.41	64.79	MA027	135.35	126.32
KY008	56.37	52.62	LA163	69.41	64.79	MA028	135.35	126.32
KY009	64.25	59.97	LA165	69.98	65.31	MA029	125.22	116.88
KY011	71.40	66.64	LA166	69.41	64.79	MA031	135.35	126.32
KY012	59.56	55.59	LA169	69.41	64.79	MA032	135.35	126.32
KY015	73.07	68.19	LA171	69.98	65.31	MA033	135.35	126.32
KY017	56.37	52.62	LA172	69.98	65.31	MA034	125.22	116.88
KY021	56.37	52.62	LA173	69.98	65.31	MA035	125.22	116.88
KY022	56.37	52.62	LA174	69.98	65.31	MA036	135.35	126.32
KY026	56.37	52.62	LA178	69.98	65.31	MA037	125.22	116.88
KY027	56.37	52.62	LA181	74.89	69.89	MA039	125.22	116.88
KY035	56.37	52.62	LA182	69.41	64.79	MA040	135.35	126.32
KY040	56.37	52.62	LA184	73.31	68.43	MA041	125.22	116.88
KY047	56.37	52.62	LA186	69.98	65.31	MA042	135.35	126.32
KY053	56.37	52.62	LA187	74.89	69.89	MA043	125.22	116.88
KY056	56.37	52.62	LA188	69.41	64.79	MA044	135.35	126.32
KY061	71.16	66.42	LA189	69.98	65.31	MA045	135.35	126.32
KY071	62.67	58.49	LA190	73.31	68.43	MA046	135.66	126.63
KY086	56.37	52.62	LA192	69.41	64.79	MA047	135.66	126.63
KY107	56.37	52.62	LA194	71.71	66.93	MA048	135.35	126.32
KY121	56.37	52.62	LA195	69.41	64.79	MA050	125.22	116.88
KY132	62.43	58.27	LA196	69.98	65.31	MA051	125.22	116.88
KY133	73.07	68.19	LA199	80.86	75.47	MA053	135.35	126.32
KY135	73.07	68.19	LA202	80.86	75.47	MA054	135.35	126.32
KY136	73.07	68.19	LA204	80.86	75.47	MA055	135.35	126.32
KY137	56.37	52.62	LA205	80.86	75.47	MA056	135.35	126.32
KY138	56.37	52.62	LA206	69.98	65.31	MA057	135.35	126.32

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
MA059	135.35	126.32	MA901	135.35	126.32	MI061	62.43	58.27
MA060	125.22	116.88	MD001	89.44	83.47	MI063	57.84	53.98
MA061	135.35	126.32	MD002	89.44	83.47	MI064	82.40	76.91
MA063	135.35	126.32	MD003	119.93	111.95	MI066	65.28	60.93
MA065	135.35	126.32	MD004	119.93	111.95	MI070	62.04	57.89
MA066	125.22	116.88	MD006	70.16	65.47	MI073	65.28	60.93
MA067	135.35	126.32	MD007	119.93	111.95	MI074	62.43	58.27
MA069	135.35	126.32	MD014	80.38	75.02	MI080	64.20	59.93
MA070	135.35	126.32	MD015	119.93	111.95	MI084	62.04	57.89
MA072	135.35	126.32	MD016	95.93	89.53	MI087	62.04	57.89
MA073	135.35	126.32	MD018	89.44	83.47	MI089	69.16	64.55
MA074	135.35	126.32	MD019	80.14	74.79	MI093	65.28	60.93
MA075	135.35	126.32	MD021	101.45	94.69	MI094	57.84	53.98
MA076	125.22	116.88	MD022	119.93	111.95	MI096	69.16	64.55
MA077	125.22	116.88	MD023	89.44	83.47	MI097	69.16	64.55
MA078	125.22	116.88	MD024	119.93	111.95	MI100	69.16	64.55
MA079	135.35	126.32	MD025	89.44	83.47	MI112	57.84	53.98
MA080	125.22	116.88	MD027	89.44	83.47	MI115	65.28	60.93
MA081	125.22	116.88	MD028	70.16	65.47	MI117	57.84	53.98
MA082	125.22	116.88	MD029	95.93	89.53	MI119	57.84	53.98
MA084	125.22	116.88	MD032	89.44	83.47	MI120	60.28	56.27
MA085	125.22	116.88	MD033	89.44	83.47	MI121	62.43	58.27
MA086	125.22	116.88	MD034	89.44	83.47	MI132	57.84	53.98
MA087	125.22	116.88	MD901	119.93	111.95	MI139	69.16	64.55
MA088	125.22	116.88	ME001	68.87	64.28	MI157	69.16	64.55
MA089	135.35	126.32	ME002	68.87	64.28	MI167	66.31	61.89
MA090	135.35	126.32	ME003	109.42	102.14	MI168	66.31	61.89
MA091	135.35	126.32	ME004	68.87	64.28	MI186	57.84	53.98
MA092	135.35	126.32	ME005	78.30	73.07	MI194	66.31	61.89
MA093	135.35	126.32	ME006	83.67	78.08	MI198	65.28	60.93
MA094	123.75	115.51	ME007	78.30	73.07	MI880	66.31	61.89
MA095	135.66	126.63	ME008	72.41	67.57	MI901	69.16	64.55
MA096	123.75	115.51	ME009	79.48	74.19	MN001	95.35	88.99
MA098	135.35	126.32	ME011	96.27	89.84	MN002	95.35	88.99
MA099	135.35	126.32	ME015	109.42	102.14	MN003	70.53	65.83
MA100	125.22	116.88	ME018	79.48	74.19	MN007	70.53	65.83
MA101	135.35	126.32	ME019	87.71	81.84	MN008	65.30	60.95
MA105	125.22	116.88	ME020	109.42	102.14	MN009	65.30	60.95
MA106	125.22	116.88	ME021	79.48	74.19	MN018	65.30	60.95
MA107	125.22	116.88	ME025	68.87	64.28	MN021	78.59	73.35
MA108	125.22	116.88	ME027	70.69	65.99	MN032	65.30	60.95
MA109	135.35	126.32	ME028	96.27	89.84	MN034	65.30	60.95
MA110	135.66	126.63	ME030	72.41	67.57	MN037	65.30	60.95
MA111	135.35	126.32	ME901	67.61	63.09	MN038	72.65	67.80
MA112	135.35	126.32	MI001	69.16	64.55	MN049	65.30	60.95
MA116	135.35	126.32	MI005	69.16	64.55	MN063	70.83	66.11
MA117	135.35	126.32	MI006	59.14	55.20	MN073	70.53	65.83
MA118	135.35	126.32	MI008	69.16	64.55	MN077	71.24	66.50
MA119	135.35	126.32	MI009	59.53	55.56	MN085	65.30	60.95
MA121	135.35	126.32	MI010	60.28	56.27	MN090	65.30	60.95
MA122	135.35	126.32	MI019	57.84	53.98	MN101	95.35	88.99
MA123	125.22	116.88	MI020	57.84	53.98	MN107	65.30	60.95
MA125	135.35	126.32	MI027	69.16	64.55	MN128	65.30	60.95
MA127	125.22	116.88	MI030	57.84	53.98	MN144	95.35	88.99
MA133	135.35	126.32	MI031	65.28	60.93	MN147	95.35	88.99
MA134	135.35	126.32	MI032	60.28	56.27	MN151	78.94	73.70
MA135	135.35	126.32	MI035	62.33	58.18	MN152	95.35	88.99
MA138	135.66	126.63	MI036	57.84	53.98	MN153	65.30	60.95
MA139	125.22	116.88	MI037	69.16	64.55	MN154	65.30	60.95
MA140	135.35	126.32	MI038	59.77	55.79	MN158	78.59	73.35
MA147	135.35	126.32	MI039	69.16	64.55	MN161	68.51	63.94
MA154	135.35	126.32	MI040	69.16	64.55	MN163	95.35	88.99
MA155	135.35	126.32	MI044	69.16	64.55	MN164	78.59	73.35
MA165	135.35	126.32	MI045	69.16	64.55	MN166	65.30	60.95
MA170	121.78	113.67	MI047	57.84	53.98	MN167	70.83	66.11
MA172	125.22	116.88	MI048	69.16	64.55	MN168	68.51	63.94
MA174	135.35	126.32	MI049	57.84	53.98	MN169	65.30	60.95
MA180	135.66	126.63	MI050	57.84	53.98	MN170	95.35	88.99
MA181	135.66	126.63	MI051	69.16	64.55	MN171	67.14	62.65
MA188	125.22	116.88	MI052	69.16	64.55	MN172	72.65	67.80
MA880	135.35	126.32	MI055	69.16	64.55	MN173	65.30	60.95
MA881	135.35	126.32	MI058	66.31	61.89	MN174	65.30	60.95
MA882	125.22	116.88	MI059	69.16	64.55	MN176	65.30	60.95
MA883	135.35	126.32	MI060	62.04	57.89	MN177	65.30	60.95

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
MN178	68.51	63.94	MS058	81.26	75.84	NC164	83.45	77.88
MN179	65.30	60.95	MS095	65.89	61.49	NC165	66.17	61.76
MN180	65.30	60.95	MS103	81.26	75.84	NC166	72.29	67.48
MN182	65.30	60.95	MS107	65.89	61.49	NC167	67.40	62.91
MN184	95.35	88.99	MS128	65.89	61.49	NC173	69.85	65.19
MN188	65.30	60.95	MS301	68.86	64.27	NC175	69.85	65.19
MN190	65.30	60.95	MT001	91.81	85.69	NC901	66.17	61.76
MN191	65.30	60.95	MT002	81.28	75.87	ND001	78.59	73.35
MN192	65.30	60.95	MT003	75.77	70.71	ND002	78.59	73.35
MN193	73.38	68.49	MT004	88.10	82.23	ND003	78.59	73.35
MN197	66.22	61.80	MT006	71.38	66.63	ND009	78.59	73.35
MN200	65.30	60.95	MT015	77.33	72.17	ND010	78.59	73.35
MN203	68.51	63.94	MT033	82.64	77.12	ND011	78.59	73.35
MN212	95.35	88.99	MT036	77.33	72.17	ND012	78.59	73.35
MN216	95.35	88.99	MT901	91.81	85.69	ND013	78.59	73.35
MN219	70.83	66.11	NC001	69.85	65.19	ND014	78.59	73.35
MN220	71.24	66.50	NC002	83.45	77.88	ND015	78.59	73.35
MN801	95.35	88.99	NC003	76.53	71.42	ND016	78.59	73.35
MN802	95.35	88.99	NC004	66.17	61.76	ND017	78.59	73.35
MO001	69.71	65.05	NC006	72.29	67.48	ND019	78.59	73.35
MO002	67.77	63.24	NC007	69.85	65.19	ND021	78.59	73.35
MO003	66.83	62.37	NC008	76.53	71.42	ND022	78.59	73.35
MO004	69.71	65.05	NC009	71.00	66.26	ND025	78.59	73.35
MO006	69.71	65.05	NC011	72.29	67.48	ND026	78.59	73.35
MO007	66.83	62.37	NC012	72.29	67.48	ND030	78.59	73.35
MO008	66.73	62.28	NC013	83.45	77.88	ND031	78.59	73.35
MO009	66.83	62.37	NC014	66.17	61.76	ND035	78.59	73.35
MO010	66.73	62.28	NC015	69.85	65.19	ND036	78.59	73.35
MO014	66.83	62.37	NC018	66.17	61.76	ND037	78.59	73.35
MO016	66.73	62.28	NC019	69.85	65.19	ND038	78.59	73.35
MO017	67.77	63.24	NC020	66.17	61.76	ND039	78.59	73.35
MO030	67.77	63.24	NC021	83.45	77.88	ND044	78.59	73.35
MO037	66.73	62.28	NC022	69.85	65.19	ND049	78.59	73.35
MO040	66.73	62.28	NC025	66.17	61.76	ND052	78.59	73.35
MO053	67.77	63.24	NC032	66.17	61.76	ND054	78.59	73.35
MO058	66.83	62.37	NC035	66.79	62.33	ND055	78.59	73.35
MO064	66.73	62.28	NC039	68.76	64.19	ND070	78.59	73.35
MO065	66.73	62.28	NC050	69.56	64.92	ND901	78.59	73.35
MO072	66.73	62.28	NC056	73.59	68.70	NE001	73.28	68.40
MO074	66.73	62.28	NC057	76.53	71.42	NE002	72.92	68.05
MO107	66.73	62.28	NC059	72.29	67.48	NE003	72.92	68.05
MO129	66.73	62.28	NC065	76.53	71.42	NE004	72.45	67.62
MO133	66.73	62.28	NC070	72.80	67.94	NE010	72.45	67.62
MO145	66.73	62.28	NC071	68.76	64.19	NE041	72.45	67.62
MO149	66.73	62.28	NC072	72.49	67.67	NE078	72.45	67.62
MO188	66.83	62.37	NC075	66.17	61.76	NE083	72.45	67.62
MO190	66.73	62.28	NC077	66.17	61.76	NE094	72.45	67.62
MO193	67.77	63.24	NC081	72.29	67.48	NE100	72.45	67.62
MO196	67.77	63.24	NC087	69.85	65.19	NE104	72.45	67.62
MO197	67.77	63.24	NC089	66.17	61.76	NE114	72.45	67.62
MO198	66.83	62.37	NC098	69.85	65.19	NE120	72.45	67.62
MO199	69.71	65.05	NC102	72.80	67.94	NE123	72.45	67.62
MO200	66.73	62.28	NC104	83.45	77.88	NE141	72.45	67.62
MO203	66.83	62.37	NC118	66.17	61.76	NE150	72.45	67.62
MO204	67.77	63.24	NC120	83.45	77.88	NE153	73.28	68.40
MO205	69.71	65.05	NC134	72.80	67.94	NE157	72.45	67.62
MO206	66.73	62.28	NC137	69.85	65.19	NE174	73.28	68.40
MO207	66.73	62.28	NC138	66.17	61.76	NE175	72.49	67.66
MO209	66.73	62.28	NC139	66.17	61.76	NE179	72.45	67.62
MO210	67.77	63.24	NC140	69.85	65.19	NE181	72.45	67.62
MO212	66.73	62.28	NC141	66.17	61.76	NE182	72.45	67.62
MO213	67.77	63.24	NC144	69.85	65.19	NH001	96.70	90.25
MO215	66.83	62.37	NC145	66.17	61.76	NH002	102.74	95.88
MO216	66.83	62.37	NC146	66.17	61.76	NH003	100.13	93.46
MO217	66.73	62.28	NC147	69.85	65.19	NH004	100.13	93.46
MO227	69.71	65.05	NC149	66.17	61.76	NH005	110.38	103.01
MS004	65.89	61.49	NC150	66.17	61.76	NH006	100.13	93.46
MS005	68.86	64.27	NC151	66.58	62.14	NH007	86.94	81.14
MS006	65.89	61.49	NC152	69.85	65.19	NH008	100.13	93.46
MS016	70.49	65.79	NC155	66.17	61.76	NH009	89.75	83.76
MS019	65.89	61.49	NC159	73.59	68.70	NH010	103.15	96.27
MS030	65.89	61.49	NC160	66.17	61.76	NH011	79.12	73.85
MS040	68.86	64.27	NC161	66.17	61.76	NH012	84.29	78.67
MS057	65.89	61.49	NC163	69.56	64.92	NH013	100.13	93.46

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
NH014	100.13	93.46	NJ109	113.83	106.22	NY071	80.13	74.78
NH015	79.12	73.85	NJ110	116.57	108.80	NY077	131.70	122.93
NH016	79.12	73.85	NJ112	116.57	108.80	NY079	87.05	81.25
NH022	125.22	116.88	NJ113	113.83	106.22	NY084	114.48	106.84
NH888	102.74	95.88	NJ114	116.57	108.80	NY085	131.70	122.93
NH901	102.74	95.88	NJ118	95.93	89.53	NY086	131.70	122.93
NJ002	113.83	106.22	NJ204	95.93	89.53	NY087	65.90	61.50
NJ003	113.83	106.22	NJ212	111.83	104.38	NY088	131.70	122.93
NJ004	97.15	90.67	NJ214	114.11	106.50	NY089	96.79	90.34
NJ006	116.57	108.80	NJ880	114.11	106.50	NY091	79.08	73.82
NJ007	114.11	106.50	NJ881	116.57	108.80	NY094	131.70	122.93
NJ008	114.11	106.50	NJ882	113.83	106.22	NY098	77.46	72.30
NJ009	97.15	90.67	NJ912	113.83	106.22	NY102	84.60	78.97
NJ010	95.93	89.53	NM001	84.81	79.16	NY103	103.55	96.64
NJ011	116.57	108.80	NM002	64.88	60.56	NY107	84.60	78.97
NJ012	97.15	90.67	NM003	67.31	62.82	NY109	77.46	72.30
NJ013	116.57	108.80	NM006	83.84	78.24	NY110	114.48	106.84
NJ014	96.25	89.85	NM009	100.37	93.67	NY113	131.70	122.93
NJ015	97.15	90.67	NM020	65.65	61.27	NY114	114.48	106.84
NJ021	116.57	108.80	NM033	64.88	60.56	NY117	131.70	122.93
NJ022	116.57	108.80	NM039	64.88	60.56	NY121	131.70	122.93
NJ023	113.83	106.22	NM050	100.37	93.67	NY123	131.70	122.93
NJ025	113.83	106.22	NM057	84.81	79.16	NY125	117.67	109.83
NJ026	97.15	90.67	NM061	64.88	60.56	NY127	131.70	122.93
NJ030	97.15	90.67	NM063	65.65	61.27	NY128	131.70	122.93
NJ032	113.83	106.22	NM066	83.47	77.89	NY130	131.70	122.93
NJ033	116.57	108.80	NM067	64.88	60.56	NY132	131.70	122.93
NJ035	116.57	108.80	NM077	84.81	79.16	NY134	117.67	109.83
NJ036	97.15	90.67	NM088	69.19	64.58	NY137	117.67	109.83
NJ037	113.83	106.22	NV001	85.95	80.22	NY138	114.48	106.84
NJ039	113.83	106.22	NV018	96.55	90.12	NY141	131.70	122.93
NJ042	116.57	108.80	NV905	85.95	80.22	NY146	131.70	122.93
NJ043	116.57	108.80	NY001	84.60	78.97	NY147	131.70	122.93
NJ044	116.57	108.80	NY002	79.08	73.82	NY148	114.48	106.84
NJ046	114.11	106.50	NY003	131.70	122.93	NY149	131.70	122.93
NJ047	116.57	108.80	NY005	114.48	106.84	NY152	131.70	122.93
NJ048	114.11	106.50	NY006	77.46	72.30	NY154	131.70	122.93
NJ049	92.53	86.36	NY009	91.94	85.81	NY158	117.67	109.83
NJ050	113.83	106.22	NY012	91.94	85.81	NY159	131.70	122.93
NJ051	95.93	89.53	NY015	91.94	85.81	NY160	114.48	106.84
NJ052	113.83	106.22	NY016	80.23	74.88	NY165	131.70	122.93
NJ054	114.11	106.50	NY017	64.64	60.33	NY402	81.70	76.24
NJ055	116.57	108.80	NY018	68.53	63.96	NY403	61.04	56.97
NJ056	114.11	106.50	NY019	77.46	72.30	NY404	79.08	73.82
NJ058	95.93	89.53	NY020	91.94	85.81	NY405	79.08	73.82
NJ059	96.25	89.85	NY021	74.63	69.66	NY406	96.79	90.34
NJ060	114.11	106.50	NY022	91.94	85.81	NY408	91.94	85.81
NJ061	92.53	86.36	NY023	131.70	122.93	NY409	79.08	73.82
NJ063	92.53	86.36	NY025	91.94	85.81	NY413	78.53	73.30
NJ065	114.11	106.50	NY027	84.60	78.97	NY416	91.94	85.81
NJ066	113.83	106.22	NY028	91.94	85.81	NY417	77.46	72.30
NJ067	116.57	108.80	NY033	91.94	85.81	NY421	91.94	85.81
NJ068	113.83	106.22	NY034	77.46	72.30	NY422	91.94	85.81
NJ070	116.57	108.80	NY035	131.70	122.93	NY424	91.94	85.81
NJ071	116.57	108.80	NY038	131.70	122.93	NY427	91.94	85.81
NJ073	95.93	89.53	NY041	96.79	90.34	NY428	91.94	85.81
NJ074	95.93	89.53	NY042	131.70	122.93	NY430	91.94	85.81
NJ075	116.57	108.80	NY044	96.79	90.34	NY431	91.94	85.81
NJ077	97.15	90.67	NY045	103.55	96.64	NY433	61.31	57.23
NJ081	114.11	106.50	NY048	61.31	57.23	NY443	77.46	72.30
NJ083	97.15	90.67	NY049	117.67	109.83	NY447	91.94	85.81
NJ084	116.57	108.80	NY050	131.70	122.93	NY449	79.08	73.82
NJ086	113.83	106.22	NY051	117.67	109.83	NY501	91.94	85.81
NJ088	113.83	106.22	NY054	90.43	84.41	NY503	91.94	85.81
NJ089	116.57	108.80	NY057	131.70	122.93	NY504	84.60	78.97
NJ090	116.57	108.80	NY059	77.46	72.30	NY505	80.23	74.88
NJ092	113.83	106.22	NY060	78.53	73.30	NY512	91.94	85.81
NJ095	114.11	106.50	NY061	70.78	66.07	NY513	91.94	85.81
NJ097	116.57	108.80	NY062	117.67	109.83	NY516	91.94	85.81
NJ099	113.83	106.22	NY065	71.71	66.94	NY519	91.94	85.81
NJ102	113.83	106.22	NY066	72.26	67.46	NY521	84.60	78.97
NJ105	113.83	106.22	NY067	68.40	63.83	NY527	84.60	78.97
NJ106	116.57	108.80	NY068	67.01	62.54	NY529	103.55	96.64
NJ108	113.83	106.22	NY070	79.08	73.82	NY530	78.53	73.30

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
NY532	91.94	85.81	OH070	71.57	66.79	PA016	72.95	68.09
NY534	77.46	72.30	OH071	75.00	70.00	PA017	66.95	62.48
NY535	91.94	85.81	OH072	62.74	58.56	PA018	66.95	62.48
NY538	91.94	85.81	OH073	75.46	70.42	PA019	68.70	64.12
NY541	67.01	62.54	OH074	64.50	60.20	PA020	75.42	70.40
NY552	77.46	72.30	OH075	62.74	58.56	PA021	68.70	64.12
NY557	91.94	85.81	OH076	62.74	58.56	PA022	76.75	71.62
NY561	91.94	85.81	OH077	62.74	58.56	PA023	95.93	89.53
NY562	91.94	85.81	OH078	62.74	58.56	PA024	81.70	76.24
NY564	91.94	85.81	OH079	71.57	66.79	PA026	66.98	62.51
NY630	91.94	85.81	OH080	64.27	59.98	PA027	63.48	59.24
NY888	131.70	122.93	OH081	63.94	59.68	PA028	87.13	81.33
NY889	64.64	60.33	OH082	62.90	58.69	PA029	68.58	64.00
NY891	131.70	122.93	OH083	71.57	66.79	PA030	64.90	60.57
NY895	131.70	122.93	OH085	75.00	70.00	PA031	70.75	66.03
NY904	114.48	106.84	OH086	62.74	58.56	PA032	68.28	63.72
NY912	79.08	73.82	OH882	75.46	70.42	PA033	66.98	62.51
OH001	71.57	66.79	OK002	70.47	65.77	PA034	73.00	68.12
OH002	65.00	60.66	OK005	68.54	63.97	PA035	83.61	78.04
OH003	75.46	70.42	OK006	67.37	62.88	PA036	84.92	79.26
OH004	73.07	68.19	OK024	67.37	62.88	PA037	72.95	68.09
OH005	66.65	62.21	OK027	67.37	62.88	PA038	64.90	60.57
OH006	75.00	70.00	OK032	67.37	62.88	PA039	78.64	73.40
OH007	74.22	69.28	OK033	68.54	63.97	PA040	65.52	61.14
OH008	65.00	60.66	OK044	67.37	62.88	PA041	66.83	62.37
OH009	62.74	58.56	OK062	67.37	62.88	PA042	64.90	60.57
OH010	62.74	58.56	OK067	67.37	62.88	PA043	64.90	60.57
OH012	75.46	70.42	OK073	68.54	63.97	PA044	64.90	60.57
OH014	65.44	61.07	OK095	69.26	64.64	PA045	67.56	63.05
OH015	73.07	68.19	OK096	67.37	62.88	PA046	95.93	89.53
OH016	63.94	59.68	OK099	67.37	62.88	PA047	64.90	60.57
OH018	63.94	59.68	OK111	67.37	62.88	PA048	78.50	73.26
OH019	65.11	60.77	OK118	67.37	62.88	PA050	65.21	60.87
OH020	63.71	59.46	OK139	70.47	65.77	PA051	95.93	89.53
OH021	66.65	62.21	OK142	68.54	63.97	PA052	83.61	78.04
OH022	66.65	62.21	OK146	67.37	62.88	PA053	67.56	63.05
OH024	62.74	58.56	OK148	69.26	64.64	PA054	66.11	61.69
OH025	75.46	70.42	OK901	70.47	65.77	PA055	67.56	63.05
OH026	63.78	59.52	OR001	91.00	84.92	PA056	64.65	60.33
OH027	75.46	70.42	OR002	91.00	84.92	PA057	64.90	60.57
OH028	66.81	62.36	OR003	91.08	85.02	PA058	66.98	62.51
OH029	74.04	69.09	OR005	84.77	79.13	PA059	64.65	60.33
OH030	62.74	58.56	OR006	104.58	97.60	PA060	67.56	63.05
OH031	74.22	69.28	OR007	87.15	81.34	PA061	67.56	63.05
OH032	62.74	58.56	OR008	97.70	91.18	PA063	67.56	63.05
OH033	62.74	58.56	OR011	97.70	91.18	PA064	65.21	60.87
OH034	62.74	58.56	OR014	97.70	91.18	PA065	67.56	63.05
OH035	62.74	58.56	OR015	103.89	96.96	PA067	81.70	76.24
OH036	63.03	58.83	OR016	91.00	84.92	PA068	65.21	60.87
OH037	62.74	58.56	OR017	83.19	77.65	PA069	70.75	66.03
OH038	73.07	68.19	OR019	92.38	86.21	PA071	79.67	74.35
OH039	62.74	58.56	OR020	91.08	85.02	PA073	64.90	60.57
OH040	62.74	58.56	OR022	91.00	84.92	PA074	65.21	60.87
OH041	62.74	58.56	OR026	92.20	86.05	PA075	83.61	78.04
OH042	75.46	70.42	OR027	83.19	77.65	PA076	81.70	76.24
OH043	71.57	66.79	OR028	91.00	84.92	PA077	66.11	61.69
OH044	65.00	60.66	OR031	94.65	88.35	PA078	105.91	98.85
OH045	62.74	58.56	OR032	87.15	81.34	PA079	66.98	62.51
OH046	62.74	58.56	OR034	100.45	93.75	PA080	66.11	61.69
OH047	62.74	58.56	PA001	66.95	62.48	PA081	81.70	76.24
OH049	73.07	68.19	PA002	95.93	89.53	PA082	76.45	71.36
OH050	62.74	58.56	PA003	64.90	60.57	PA083	65.47	61.10
OH053	62.74	58.56	PA004	81.70	76.24	PA085	63.48	59.24
OH054	65.38	61.02	PA005	66.95	62.48	PA086	64.65	60.33
OH056	62.74	58.56	PA006	66.95	62.48	PA087	81.27	75.85
OH058	62.74	58.56	PA007	95.93	89.53	PA088	91.07	84.99
OH059	71.57	66.79	PA008	83.61	78.04	PA090	84.92	79.26
OH060	62.74	58.56	PA009	79.67	74.35	PA091	77.42	72.25
OH061	64.19	59.91	PA010	66.95	62.48	PA092	65.37	61.01
OH062	66.65	62.21	PA011	81.70	76.24	RI001	121.78	113.67
OH063	62.74	58.56	PA012	95.93	89.53	RI002	121.78	113.67
OH066	62.74	58.56	PA013	81.27	75.85	RI003	121.78	113.67
OH067	62.74	58.56	PA014	66.95	62.48	RI004	121.78	113.67
OH069	62.74	58.56	PA015	66.95	62.48	RI005	114.43	106.79

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
RI006	121.78	113.67	RQ059	74.42	69.46	SD058	70.12	65.45
RI007	121.78	113.67	RQ060	74.42	69.46	SD059	70.12	65.45
RI008	104.16	97.21	RQ061	74.42	69.46	TN001	70.49	65.79
RI009	121.78	113.67	RQ062	74.42	69.46	TN002	65.82	61.43
RI010	121.78	113.67	RQ063	79.99	74.65	TN003	65.82	61.43
RI011	121.78	113.67	RQ064	79.99	74.65	TN004	71.45	66.69
RI012	121.78	113.67	RQ065	74.42	69.46	TN005	78.12	72.91
RI014	121.78	113.67	RQ066	74.42	69.46	TN006	65.82	61.43
RI015	121.78	113.67	RQ067	74.42	69.46	TN007	65.82	61.43
RI016	121.78	113.67	RQ068	74.42	69.46	TN012	65.82	61.43
RI017	121.78	113.67	RQ069	74.42	69.46	TN013	65.82	61.43
RI018	121.78	113.67	RQ070	79.99	74.65	TN020	78.12	72.91
RI019	121.78	113.67	RQ071	74.42	69.46	TN024	65.82	61.43
RI020	121.78	113.67	RQ072	79.99	74.65	TN026	65.82	61.43
RI022	121.78	113.67	RQ073	74.42	69.46	TN035	78.12	72.91
RI024	121.78	113.67	RQ074	74.42	69.46	TN038	65.82	61.43
RI026	121.78	113.67	RQ075	79.99	74.65	TN042	65.82	61.43
RI027	121.78	113.67	RQ077	79.99	74.65	TN054	65.82	61.43
RI028	121.78	113.67	RQ080	74.42	69.46	TN062	65.82	61.43
RI029	121.78	113.67	RQ081	79.99	74.65	TN065	65.82	61.43
RI901	121.78	113.67	RQ082	79.99	74.65	TN066	65.82	61.43
RQ005	79.99	74.65	RQ083	79.99	74.65	TN076	65.82	61.43
RQ006	79.99	74.65	SC001	74.99	69.99	TN079	78.12	72.91
RQ007	74.42	69.46	SC002	75.80	70.74	TN088	65.82	61.43
RQ008	79.99	74.65	SC003	69.19	64.58	TN113	65.82	61.43
RQ009	74.42	69.46	SC004	69.19	64.58	TN117	71.45	66.69
RQ010	74.42	69.46	SC005	69.19	64.58	TN903	78.12	72.91
RQ011	79.99	74.65	SC007	73.06	68.19	TQ901	122.03	113.90
RQ012	74.42	69.46	SC008	69.19	64.58	TX001	87.93	82.08
RQ013	79.99	74.65	SC015	66.75	62.30	TX003	74.71	69.72
RQ014	79.99	74.65	SC016	69.19	64.58	TX004	84.01	78.41
RQ015	79.99	74.65	SC018	69.19	64.58	TX005	79.76	74.45
RQ016	79.99	74.65	SC019	69.19	64.58	TX006	77.30	72.16
RQ017	74.42	69.46	SC020	69.19	64.58	TX007	68.54	63.97
RQ018	74.42	69.46	SC021	66.75	62.30	TX008	78.81	73.55
RQ019	79.99	74.65	SC022	76.53	71.42	TX009	90.16	84.16
RQ020	81.73	76.28	SC023	69.19	64.58	TX010	67.59	63.08
RQ021	79.99	74.65	SC024	74.99	69.99	TX011	67.59	63.08
RQ022	79.99	74.65	SC025	69.19	64.58	TX012	79.76	74.45
RQ023	79.99	74.65	SC026	70.61	65.89	TX014	67.59	63.08
RQ024	79.99	74.65	SC027	69.19	64.58	TX016	64.91	60.58
RQ025	79.99	74.65	SC028	66.75	62.30	TX017	79.76	74.45
RQ026	74.42	69.46	SC029	69.19	64.58	TX018	67.59	63.08
RQ027	79.99	74.65	SC030	66.75	62.30	TX019	64.91	60.58
RQ028	79.99	74.65	SC031	66.75	62.30	TX021	64.91	60.58
RQ029	74.42	69.46	SC032	69.19	64.58	TX023	77.23	72.08
RQ030	74.42	69.46	SC033	66.75	62.30	TX025	68.54	63.97
RQ031	74.42	69.46	SC034	69.19	64.58	TX027	90.16	84.16
RQ032	79.99	74.65	SC035	66.75	62.30	TX028	67.76	63.23
RQ033	74.42	69.46	SC036	76.53	71.42	TX029	67.76	63.23
RQ034	79.99	74.65	SC037	69.19	64.58	TX030	67.59	63.08
RQ035	74.42	69.46	SC046	76.53	71.42	TX031	87.93	82.08
RQ036	79.99	74.65	SC056	74.99	69.99	TX032	79.76	74.45
RQ037	74.42	69.46	SC057	74.99	69.99	TX034	77.23	72.08
RQ038	79.99	74.65	SC059	66.75	62.30	TX035	65.07	60.72
RQ039	81.73	76.28	SC911	75.80	70.74	TX037	77.23	72.08
RQ040	81.73	76.28	SD010	70.38	65.68	TX039	64.91	60.58
RQ041	74.42	69.46	SD011	70.12	65.45	TX042	64.91	60.58
RQ042	74.42	69.46	SD014	70.12	65.45	TX044	64.91	60.58
RQ043	74.42	69.46	SD016	70.38	65.68	TX046	67.76	63.23
RQ044	79.99	74.65	SD021	70.12	65.45	TX048	64.91	60.58
RQ045	79.99	74.65	SD026	70.12	65.45	TX049	64.91	60.58
RQ046	74.42	69.46	SD034	70.12	65.45	TX051	67.76	63.23
RQ047	79.99	74.65	SD035	76.19	71.10	TX062	67.76	63.23
RQ048	74.42	69.46	SD036	70.12	65.45	TX064	67.76	63.23
RQ049	79.99	74.65	SD037	70.12	65.45	TX065	68.54	63.97
RQ050	79.99	74.65	SD039	70.38	65.68	TX072	64.91	60.58
RQ052	74.42	69.46	SD043	70.12	65.45	TX073	67.76	63.23
RQ053	79.99	74.65	SD045	70.12	65.45	TX075	64.91	60.58
RQ054	79.99	74.65	SD047	70.12	65.45	TX079	67.59	63.08
RQ055	74.42	69.46	SD048	70.12	65.45	TX085	93.66	87.40
RQ056	79.99	74.65	SD055	70.12	65.45	TX087	87.93	82.08
RQ057	74.42	69.46	SD056	70.12	65.45	TX095	90.16	84.16
RQ058	74.42	69.46	SD057	70.12	65.45	TX096	64.91	60.58

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
TX105	64.91	60.58	TX449	64.91	60.58	VA015	58.96	55.03
TX111	69.17	64.56	TX452	77.30	72.16	VA016	82.51	77.00
TX114	64.91	60.58	TX454	64.91	60.58	VA017	81.34	75.92
TX128	90.16	84.16	TX455	86.86	81.07	VA018	58.96	55.03
TX134	64.91	60.58	TX456	77.07	71.93	VA019	119.93	111.95
TX137	67.59	63.08	TX457	72.79	67.94	VA020	73.79	68.86
TX147	64.91	60.58	TX458	67.59	63.08	VA021	58.96	55.03
TX152	64.91	60.58	TX459	75.80	70.75	VA022	59.70	55.71
TX158	67.59	63.08	TX461	69.05	64.46	VA023	59.70	55.71
TX163	78.81	73.55	TX470	67.59	63.08	VA024	58.96	55.03
TX164	78.81	73.55	TX472	67.59	63.08	VA025	81.34	75.92
TX173	68.54	63.97	TX480	87.93	82.08	VA028	119.93	111.95
TX174	78.81	73.55	TX481	67.59	63.08	VA030	58.96	55.03
TX175	64.91	60.58	TX482	67.59	63.08	VA031	65.82	61.43
TX177	67.76	63.23	TX483	79.76	74.45	VA032	65.82	61.43
TX178	64.91	60.58	TX484	86.14	80.39	VA034	58.96	55.03
TX183	64.91	60.58	TX485	64.91	60.58	VA035	119.93	111.95
TX189	64.91	60.58	TX486	65.98	61.57	VA036	82.51	77.00
TX193	77.30	72.16	TX488	64.91	60.58	VA037	59.11	55.16
TX197	67.59	63.08	TX493	90.16	84.16	VA038	58.96	55.03
TX201	64.91	60.58	TX495	84.01	78.41	VA039	81.34	75.92
TX202	67.76	63.23	TX497	67.76	63.23	VA040	58.96	55.03
TX206	68.54	63.97	TX498	69.17	64.56	VA041	81.34	75.92
TX208	67.59	63.08	TX499	67.59	63.08	VA042	65.82	61.43
TX210	67.59	63.08	TX500	64.91	60.58	VA044	59.67	55.69
TX217	64.91	60.58	TX505	79.76	74.45	VA046	119.93	111.95
TX224	67.76	63.23	TX509	68.54	63.97	VA901	73.79	68.86
TX236	67.59	63.08	TX511	64.91	60.58	VQ901	105.65	98.62
TX242	64.91	60.58	TX512	64.91	60.58	VT001	102.01	95.21
TX257	67.59	63.08	TX514	67.59	63.08	VT002	86.92	81.13
TX259	87.93	82.08	TX516	64.91	60.58	VT003	89.91	83.92
TX264	87.93	82.08	TX519	64.91	60.58	VT004	89.02	83.08
TX266	87.93	82.08	TX522	90.16	84.16	VT005	83.34	77.78
TX272	64.91	60.58	TX523	69.17	64.56	VT006	102.01	95.21
TX284	64.91	60.58	TX526	90.33	84.31	VT008	83.34	77.78
TX298	64.91	60.58	TX534	86.86	81.07	VT009	84.24	78.62
TX300	64.91	60.58	TX535	64.91	60.58	VT901	102.01	95.21
TX302	78.81	73.55	TX537	64.91	60.58	WA001	112.57	105.04
TX303	77.30	72.16	TX542	67.59	63.08	WA002	112.57	105.04
TX309	64.91	60.58	TX546	67.59	63.08	WA003	99.42	92.80
TX313	78.81	73.55	TX559	90.16	84.16	WA004	93.15	86.93
TX322	87.93	82.08	TX560	79.76	74.45	WA005	95.58	89.23
TX327	67.59	63.08	TX901	79.76	74.45	WA006	112.57	105.04
TX330	64.91	60.58	UT002	77.32	72.16	WA007	76.64	71.53
TX332	64.91	60.58	UT003	77.32	72.16	WA008	91.00	84.92
TX335	64.91	60.58	UT004	77.32	72.16	WA011	112.57	105.04
TX341	75.80	70.75	UT006	80.28	74.92	WA012	86.84	81.04
TX343	77.30	72.16	UT007	77.32	72.16	WA013	86.44	80.67
TX349	84.01	78.41	UT009	77.32	72.16	WA014	71.83	67.04
TX350	77.30	72.16	UT011	77.32	72.16	WA017	71.83	67.04
TX358	64.91	60.58	UT014	91.32	85.22	WA018	93.15	86.93
TX372	64.91	60.58	UT015	91.32	85.22	WA020	76.64	71.53
TX376	64.91	60.58	UT016	91.32	85.22	WA021	86.84	81.04
TX377	87.93	82.08	UT020	77.32	72.16	WA024	109.44	102.13
TX378	65.07	60.72	UT021	79.62	74.33	WA025	106.86	99.72
TX381	64.91	60.58	UT022	77.32	72.16	WA036	99.42	92.80
TX392	90.16	84.16	UT025	77.32	72.16	WA039	112.57	105.04
TX395	67.06	62.59	UT026	77.32	72.16	WA042	90.29	84.26
TX396	64.91	60.58	UT028	91.32	85.22	WA049	102.72	95.86
TX397	64.91	60.58	UT029	91.32	85.22	WA054	95.58	89.23
TX421	64.91	60.58	UT030	77.32	72.16	WA055	86.47	80.71
TX431	84.01	78.41	UT031	80.28	74.92	WA057	93.87	87.61
TX432	74.71	69.72	VA001	81.34	75.92	WA061	97.70	91.18
TX433	84.01	78.41	VA002	65.82	61.43	WA064	88.91	82.97
TX434	90.16	84.16	VA003	81.34	75.92	WA071	78.72	73.46
TX435	90.16	84.16	VA004	119.93	111.95	WI001	70.53	65.83
TX436	90.16	84.16	VA005	73.79	68.86	WI002	69.05	64.46
TX439	74.71	69.72	VA006	81.34	75.92	WI003	76.86	71.74
TX440	79.76	74.45	VA007	73.79	68.86	WI006	66.07	61.67
TX441	79.76	74.45	VA010	62.67	58.50	WI011	58.70	54.78
TX444	67.59	63.08	VA011	64.94	60.60	WI020	95.35	88.99
TX445	67.76	63.23	VA012	81.34	75.92	WI031	57.77	53.92
TX447	67.76	63.23	VA013	65.67	61.29	WI043	58.15	54.28
TX448	67.76	63.23	VA014	65.67	61.29	WI045	57.75	53.90

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
WI047	57.77	53.92	AL006	66.03	61.63	AR059	61.94	57.81
WI048	57.75	53.90	AL007	66.03	61.63	AR066	61.94	57.81
WI060	95.35	88.99	AL008	64.77	60.46	AR068	61.94	57.81
WI064	64.08	59.81	AL011	64.77	60.46	AR082	61.94	57.81
WI065	58.15	54.28	AL012	66.03	61.63	AR104	64.40	60.11
WI068	58.70	54.78	AL014	64.77	60.46	AR117	61.94	57.81
WI069	58.70	54.78	AL047	67.98	63.46	AR121	61.94	57.81
WI070	57.75	53.90	AL048	66.03	61.63	AR131	64.40	60.11
WI083	69.05	64.46	AL049	66.03	61.63	AR135	61.94	57.81
WI085	57.75	53.90	AL050	66.03	61.63	AR152	61.94	57.81
WI091	57.77	53.92	AL052	64.77	60.46	AR161	61.94	57.81
WI096	57.75	53.90	AL053	64.77	60.46	AR163	64.40	60.11
WI127	57.75	53.90	AL054	66.03	61.63	AR166	61.94	57.81
WI131	57.75	53.90	AL060	64.77	60.46	AR170	70.26	65.58
WI142	69.05	64.46	AL061	66.03	61.63	AR175	70.26	65.58
WI160	57.75	53.90	AL063	66.91	62.45	AR176	61.94	57.81
WI166	57.75	53.90	AL068	66.03	61.63	AR177	61.94	57.81
WI183	63.09	58.87	AL069	66.91	62.45	AR181	64.40	60.11
WI186	57.89	54.02	AL072	66.91	62.45	AR194	64.40	60.11
WI193	57.77	53.92	AL073	64.94	60.60	AR197	61.94	57.81
WI195	71.41	66.64	AL075	64.77	60.46	AR200	61.94	57.81
WI201	69.05	64.46	AL077	66.03	61.63	AR210	61.94	57.81
WI203	64.08	59.81	AL086	66.91	62.45	AR211	61.94	57.81
WI204	58.70	54.78	AL090	64.77	60.46	AR213	61.94	57.81
WI205	57.75	53.90	AL091	64.77	60.46	AR214	61.94	57.81
WI206	57.75	53.90	AL099	64.77	60.46	AR215	61.94	57.81
WI208	57.75	53.90	AL105	64.77	60.46	AR219	70.26	65.58
WI213	58.15	54.28	AL107	64.77	60.46	AR223	61.94	57.81
WI214	76.86	71.74	AL112	64.77	60.46	AR224	61.94	57.81
WI218	69.05	64.46	AL114	64.77	60.46	AR225	61.94	57.81
WI219	64.08	59.81	AL115	64.77	60.46	AR232	64.40	60.11
WI221	57.75	53.90	AL116	64.77	60.46	AR240	61.94	57.81
WI222	57.75	53.90	AL118	64.77	60.46	AR241	64.75	60.43
WI231	57.75	53.90	AL121	64.77	60.46	AR247	61.94	57.81
WI233	57.75	53.90	AL124	64.94	60.60	AR252	70.26	65.58
WI237	58.83	54.91	AL125	66.91	62.45	AR257	61.94	57.81
WI241	57.75	53.90	AL129	66.03	61.63	AR264	67.53	63.03
WI244	63.40	59.17	AL131	66.03	61.63	AR265	61.94	57.81
WI245	57.75	53.90	AL138	66.03	61.63	AR266	61.94	57.81
WI246	58.41	54.50	AL139	66.03	61.63	AZ001	71.74	66.95
WI248	57.77	53.92	AL152	66.03	61.63	AZ003	71.74	66.95
WI256	57.75	53.90	AL154	64.77	60.46	AZ004	70.92	66.19
WI901	57.77	53.92	AL155	64.77	60.46	AZ005	71.74	66.95
WV001	78.98	73.71	AL160	64.77	60.46	AZ006	78.44	73.22
WV003	63.71	59.46	AL165	68.95	64.36	AZ008	57.11	53.30
WV004	65.11	60.77	AL169	67.96	63.44	AZ009	71.74	66.95
WV005	62.50	58.33	AL171	64.77	60.46	AZ010	71.74	66.95
WV006	65.83	61.43	AL172	66.03	61.63	AZ013	79.70	74.39
WV009	66.52	62.09	AL174	64.77	60.46	AZ021	71.74	66.95
WV010	67.43	62.93	AL177	64.77	60.46	AZ023	60.18	56.16
WV015	62.50	58.33	AL181	64.77	60.46	AZ025	70.92	66.19
WV016	65.44	61.07	AL192	64.77	60.46	AZ028	71.74	66.95
WV017	60.70	56.65	AL202	67.96	63.44	AZ031	71.74	66.95
WV018	60.70	56.65	AR002	70.26	65.58	AZ032	71.74	66.95
WV027	61.97	57.85	AR003	64.40	60.11	AZ033	70.92	66.19
WV034	60.70	56.65	AR004	70.26	65.58	AZ034	58.94	55.01
WV035	61.97	57.85	AR006	70.26	65.58	AZ035	79.70	74.39
WV037	65.11	60.77	AR010	61.94	57.81	AZ037	58.94	55.01
WV039	62.50	58.33	AR012	61.94	57.81	AZ041	78.44	73.22
WV042	62.50	58.33	AR015	63.99	59.72	AZ043	96.06	89.66
WV045	60.70	56.65	AR016	61.94	57.81	AZ045	59.18	55.23
WY002	87.27	81.47	AR017	64.40	60.11	AZ880	71.74	66.95
WY003	71.11	66.37	AR020	61.94	57.81	AZ901	78.44	73.22
WY004	105.15	98.15	AR024	67.53	63.03	CA001	124.34	116.06
WY013	71.11	66.37	AR031	64.40	60.11	CA002	124.34	116.06
			AR033	61.94	57.81	CA003	124.34	116.06
			AR034	64.40	60.11	CA004	124.34	116.06
			AR035	61.94	57.81	CA005	94.43	88.13
			AR037	61.94	57.81	CA006	86.64	80.85
			AR039	61.94	57.81	CA007	94.43	88.13
AK901	98.76	92.18	AR041	70.26	65.58	CA008	94.75	88.44
AL001	66.91	62.45	AR042	64.40	60.11	CA010	124.34	116.06
AL002	67.96	63.44	AR045	61.94	57.81	CA011	124.34	116.06
AL004	66.03	61.63	AR052	61.94	57.81	CA014	124.34	116.06
AL005	68.81	64.22						

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
CA019	99.19	92.59	CA143	90.15	84.14	CT047	82.46	76.96
CA021	121.41	113.30	CA144	82.57	77.07	CT048	91.63	85.51
CA022	99.19	92.59	CA149	94.43	88.13	CT049	91.63	85.51
CA023	81.40	75.99	CA151	94.43	88.13	CT051	91.63	85.51
CA024	90.60	84.57	CA155	111.17	103.75	CT052	97.21	90.74
CA026	91.24	85.15	CO001	75.37	70.35	CT053	91.63	85.51
CA027	99.19	92.59	CO002	69.62	64.97	CT058	81.77	76.32
CA028	86.64	80.85	CO005	78.46	73.23	CT061	81.77	76.32
CA030	80.79	75.41	CO006	67.16	62.68	CT063	101.00	94.26
CA031	124.34	116.06	CO016	85.53	79.82	CT067	101.00	94.26
CA032	124.34	116.06	CO019	75.37	70.35	CT068	91.63	85.51
CA033	107.12	99.97	CO024	67.16	62.68	CT901	91.63	85.51
CA035	124.34	116.06	CO028	70.31	65.62	DC001	114.69	107.05
CA039	90.15	84.14	CO031	67.16	62.68	DC880	114.69	107.05
CA041	107.94	100.74	CO034	81.04	75.65	DE001	90.84	84.79
CA043	83.26	77.70	CO035	69.88	65.23	DE002	79.68	74.37
CA044	94.43	88.13	CO036	75.37	70.35	DE003	90.84	84.79
CA048	71.45	66.69	CO040	103.71	96.81	DE005	90.84	84.79
CA052	124.34	116.06	CO041	81.04	75.65	DE901	79.68	74.37
CA053	78.19	72.98	CO043	78.46	73.23	FL001	73.57	68.67
CA055	107.94	100.74	CO045	67.16	62.68	FL002	77.67	72.49
CA056	124.34	116.06	CO048	75.37	70.35	FL003	77.67	72.49
CA058	124.34	116.06	CO049	75.37	70.35	FL004	81.13	75.71
CA059	124.34	116.06	CO050	75.37	70.35	FL005	105.40	98.39
CA060	124.34	116.06	CO051	88.17	82.29	FL007	77.87	72.68
CA061	82.57	77.07	CO052	75.37	70.35	FL008	85.25	79.56
CA062	124.34	116.06	CO057	75.37	70.35	FL009	82.31	76.82
CA063	111.17	103.75	CO058	75.37	70.35	FL010	98.69	92.11
CA064	107.63	100.46	CO061	85.53	79.82	FL011	64.65	60.34
CA065	107.94	100.74	CO070	85.53	79.82	FL013	106.69	99.60
CA066	107.94	100.74	CO071	70.31	65.62	FL015	69.13	64.52
CA067	124.34	116.06	CO072	75.37	70.35	FL017	105.40	98.39
CA068	124.34	116.06	CO079	78.46	73.23	FL018	63.15	58.94
CA069	86.64	80.85	CO087	103.71	96.81	FL019	74.89	69.91
CA070	75.57	70.53	CO090	69.88	65.23	FL020	74.89	69.91
CA071	124.34	116.06	CO095	99.17	92.56	FL021	82.31	76.82
CA072	124.34	116.06	CO101	67.16	62.68	FL022	77.87	72.68
CA073	107.94	100.74	CO103	81.04	75.65	FL023	85.25	79.56
CA074	124.34	116.06	CO888	69.62	64.97	FL024	77.87	72.68
CA075	124.34	116.06	CO911	75.37	70.35	FL025	74.89	69.91
CA076	121.41	113.30	CO921	75.37	70.35	FL026	64.65	60.34
CA077	111.17	103.75	CT001	97.21	90.74	FL028	98.69	92.11
CA079	124.34	116.06	CT002	104.20	97.26	FL030	77.87	72.68
CA082	124.34	116.06	CT003	91.63	85.51	FL031	62.05	57.92
CA084	88.99	83.06	CT004	101.00	94.26	FL032	63.66	59.41
CA085	121.27	113.19	CT005	91.63	85.51	FL033	81.13	75.71
CA086	85.06	79.38	CT006	82.46	76.96	FL034	77.67	72.49
CA088	121.27	113.19	CT007	104.20	97.26	FL035	63.15	58.94
CA092	124.34	116.06	CT008	91.63	85.51	FL037	73.57	68.67
CA093	124.34	116.06	CT009	91.63	85.51	FL041	82.75	77.24
CA094	124.34	116.06	CT010	81.77	76.32	FL045	82.75	77.24
CA096	86.64	80.85	CT011	101.00	94.26	FL046	63.15	58.94
CA102	124.34	116.06	CT013	91.63	85.51	FL047	81.66	76.23
CA103	124.34	116.06	CT015	97.21	90.74	FL049	62.05	57.92
CA104	124.34	116.06	CT017	97.21	90.74	FL053	63.66	59.41
CA105	124.34	116.06	CT018	89.95	83.95	FL057	62.05	57.92
CA106	86.64	80.85	CT019	104.20	97.26	FL060	79.52	74.22
CA108	111.17	103.75	CT020	104.20	97.26	FL062	77.67	72.49
CA110	124.34	116.06	CT023	91.63	85.51	FL063	69.80	65.15
CA111	124.34	116.06	CT024	81.77	76.32	FL066	105.40	98.39
CA114	124.34	116.06	CT026	91.63	85.51	FL068	105.40	98.39
CA116	111.17	103.75	CT027	97.21	90.74	FL069	63.15	58.94
CA117	124.34	116.06	CT028	91.63	85.51	FL070	69.80	65.15
CA118	124.34	116.06	CT029	101.00	94.26	FL071	64.65	60.34
CA119	124.34	116.06	CT030	97.21	90.74	FL072	77.87	72.68
CA120	124.34	116.06	CT031	81.77	76.32	FL073	69.13	64.52
CA121	124.34	116.06	CT032	91.63	85.51	FL075	77.67	72.49
CA123	124.34	116.06	CT033	91.63	85.51	FL079	98.69	92.11
CA125	107.94	100.74	CT036	91.63	85.51	FL080	82.31	76.82
CA126	124.34	116.06	CT038	91.63	85.51	FL081	98.69	92.11
CA128	94.43	88.13	CT039	91.63	85.51	FL083	82.31	76.82
CA131	107.94	100.74	CT040	91.63	85.51	FL092	63.66	59.41
CA132	111.17	103.75	CT041	91.63	85.51	FL093	81.13	75.71
CA136	124.34	116.06	CT042	101.00	94.26	FL102	63.15	58.94

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
FL104	77.67	72.49	IA114	65.95	61.55	IL101	95.61	89.22
FL105	85.25	79.56	IA117	69.61	64.97	IL103	95.61	89.22
FL106	81.13	75.71	IA119	65.95	61.55	IL104	75.49	70.46
FL109	62.05	57.92	IA120	78.77	73.53	IL107	95.61	89.22
FL110	63.15	58.94	IA122	65.95	61.55	IL116	95.61	89.22
FL113	77.87	72.68	IA124	65.95	61.55	IL117	67.14	62.67
FL116	98.69	92.11	IA125	65.95	61.55	IL120	60.83	56.78
FL119	82.31	76.82	IA126	72.21	67.40	IL122	68.66	64.08
FL123	78.29	73.07	IA127	65.95	61.55	IL123	60.83	56.78
FL128	81.66	76.23	IA128	65.95	61.55	IL124	75.49	70.46
FL132	82.44	76.97	IA129	65.95	61.55	IL126	61.14	57.07
FL136	98.69	92.11	IA130	65.95	61.55	IL130	95.61	89.22
FL137	77.67	72.49	IA131	78.77	73.53	IL131	72.21	67.40
FL139	64.65	60.34	IA132	76.56	71.45	IL136	95.61	89.22
FL141	84.98	79.31	IA136	65.95	61.55	IL137	96.43	89.99
FL144	106.69	99.60	ID005	67.21	62.73	IL901	95.61	89.22
FL145	105.40	98.39	ID013	83.52	77.95	IN002	52.23	48.75
FL147	63.15	58.94	ID016	83.52	77.95	IN003	58.21	54.34
FL201	81.13	75.71	ID021	83.52	77.95	IN004	54.22	50.61
FL202	62.05	57.92	ID901	69.57	64.92	IN005	54.22	50.61
FL881	105.40	98.39	IL002	95.61	89.22	IN006	64.36	60.07
FL888	77.67	72.49	IL003	75.49	70.46	IN007	56.62	52.85
GA001	68.81	64.22	IL004	68.80	64.21	IN009	52.23	48.75
GA002	68.81	64.22	IL006	67.38	62.89	IN010	71.06	66.33
GA004	68.81	64.22	IL009	72.21	67.40	IN011	71.06	66.33
GA006	83.89	78.29	IL010	72.21	67.40	IN012	61.41	57.32
GA007	68.81	64.22	IL011	61.14	57.07	IN015	57.30	53.48
GA009	68.81	64.22	IL012	65.10	60.76	IN016	56.26	52.51
GA010	83.89	78.29	IL014	72.77	67.92	IN017	64.36	60.07
GA011	83.89	78.29	IL015	66.03	61.62	IN018	52.23	48.75
GA023	68.81	64.22	IL016	60.83	56.78	IN019	56.13	52.38
GA062	65.31	60.96	IL018	72.21	67.40	IN020	57.30	53.48
GA078	83.89	78.29	IL020	72.21	67.40	IN021	54.22	50.61
GA095	83.89	78.29	IL022	68.66	64.08	IN022	57.68	53.85
GA116	83.89	78.29	IL024	95.61	89.22	IN023	61.41	57.32
GA188	83.89	78.29	IL025	95.61	89.22	IN025	61.41	57.32
GA228	83.89	78.29	IL026	95.61	89.22	IN026	56.25	52.50
GA232	83.89	78.29	IL028	68.80	64.21	IN029	71.06	66.33
GA237	83.89	78.29	IL030	66.03	61.62	IN031	52.23	48.75
GA264	83.89	78.29	IL032	72.77	67.92	IN032	53.17	49.62
GA269	83.89	78.29	IL034	67.38	62.89	IN035	54.22	50.61
GA285	68.81	64.22	IL035	72.77	67.92	IN037	56.26	52.51
GA901	83.89	78.29	IL036	61.14	57.07	IN041	52.23	48.75
GQ901	115.26	107.59	IL037	60.83	56.78	IN043	52.23	48.75
HI002	113.76	106.17	IL038	60.83	56.78	IN047	52.23	48.75
HI003	126.72	118.28	IL039	65.23	60.89	IN048	52.23	48.75
HI004	126.74	118.30	IL040	60.83	56.78	IN050	52.23	48.75
HI005	128.12	119.59	IL042	60.83	56.78	IN055	53.17	49.62
HI901	126.72	118.28	IL043	60.83	56.78	IN056	54.67	51.02
IA002	65.95	61.55	IL050	61.14	57.07	IN058	58.73	54.83
IA004	69.33	64.71	IL051	67.14	62.67	IN060	56.25	52.50
IA015	65.95	61.55	IL052	60.83	56.78	IN062	56.07	52.34
IA018	69.01	64.41	IL053	61.14	57.07	IN067	52.23	48.75
IA020	78.77	73.53	IL054	95.61	89.22	IN071	62.16	58.00
IA022	80.28	74.94	IL056	95.61	89.22	IN073	52.23	48.75
IA023	69.61	64.97	IL057	60.83	56.78	IN077	53.17	49.62
IA024	76.26	71.17	IL059	60.83	56.78	IN078	54.67	51.02
IA030	65.95	61.55	IL061	61.55	57.44	IN079	64.36	60.07
IA038	76.56	71.45	IL074	66.03	61.62	IN080	64.36	60.07
IA042	65.95	61.55	IL076	60.83	56.78	IN084	52.23	48.75
IA045	72.21	67.40	IL079	60.83	56.78	IN086	52.23	48.75
IA047	65.95	61.55	IL082	60.83	56.78	IN091	52.23	48.75
IA049	65.95	61.55	IL083	68.66	64.08	IN092	52.23	48.75
IA050	76.56	71.45	IL084	64.53	60.23	IN094	54.36	50.72
IA054	65.95	61.55	IL085	62.10	57.97	IN100	57.30	53.48
IA056	65.95	61.55	IL086	64.53	60.23	IN901	64.36	60.07
IA057	65.95	61.55	IL087	60.83	56.78	KS001	64.19	59.90
IA084	65.95	61.55	IL088	60.83	56.78	KS002	60.28	56.27
IA087	70.58	65.87	IL089	75.77	70.72	KS004	64.95	60.61
IA098	69.48	64.86	IL090	95.61	89.22	KS006	57.08	53.27
IA100	65.95	61.55	IL091	60.83	56.78	KS017	57.08	53.27
IA107	65.95	61.55	IL092	95.61	89.22	KS038	57.08	53.27
IA108	65.95	61.55	IL095	71.35	66.59	KS041	57.08	53.27
IA113	76.56	71.45	IL096	60.83	56.78	KS043	64.19	59.90

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
KS053	66.62	62.18	LA057	66.61	62.17	MA001	117.46	109.64
KS062	57.08	53.27	LA063	66.61	62.17	MA002	126.96	118.49
KS063	57.23	53.42	LA067	66.10	61.69	MA003	126.96	118.49
KS068	64.19	59.90	LA074	66.10	61.69	MA005	117.46	109.64
KS073	64.95	60.61	LA086	66.10	61.69	MA006	116.13	108.40
KS091	57.08	53.27	LA094	71.29	66.52	MA007	117.46	109.64
KS149	57.08	53.27	LA097	66.10	61.69	MA008	117.46	109.64
KS159	57.08	53.27	LA101	76.97	71.84	MA010	117.46	109.64
KS161	57.08	53.27	LA103	71.29	66.52	MA012	117.46	109.64
KS162	64.19	59.90	LA104	66.61	62.17	MA013	126.96	118.49
KS165	57.08	53.27	LA111	66.10	61.69	MA014	126.96	118.49
KS166	57.08	53.27	LA114	66.10	61.69	MA015	126.96	118.49
KS167	57.23	53.42	LA115	66.10	61.69	MA016	126.96	118.49
KS168	60.28	56.27	LA120	66.61	62.17	MA017	126.96	118.49
KS170	57.08	53.27	LA122	66.61	62.17	MA018	116.13	108.40
KY001	61.41	57.32	LA125	66.10	61.69	MA019	126.96	118.49
KY003	56.21	52.46	LA128	66.10	61.69	MA020	126.96	118.49
KY004	68.01	63.48	LA129	66.61	62.17	MA022	126.96	118.49
KY007	55.18	51.50	LA132	66.10	61.69	MA023	126.96	118.49
KY008	55.18	51.50	LA159	66.10	61.69	MA024	117.46	109.64
KY009	61.41	57.32	LA163	66.10	61.69	MA025	126.96	118.49
KY011	68.41	63.85	LA165	66.61	62.17	MA026	117.46	109.64
KY012	56.26	52.51	LA166	66.10	61.69	MA027	126.96	118.49
KY015	69.20	64.58	LA168	66.61	62.17	MA028	126.96	118.49
KY017	55.18	51.50	LA169	66.10	61.69	MA029	117.46	109.64
KY021	55.18	51.50	LA171	66.61	62.17	MA031	126.96	118.49
KY022	55.18	51.50	LA172	66.61	62.17	MA032	126.96	118.49
KY026	55.18	51.50	LA173	66.61	62.17	MA033	126.96	118.49
KY027	55.18	51.50	LA174	66.61	62.17	MA034	117.46	109.64
KY035	55.18	51.50	LA178	66.61	62.17	MA035	117.46	109.64
KY040	55.18	51.50	LA179	66.61	62.17	MA036	126.96	118.49
KY047	55.18	51.50	LA181	71.29	66.52	MA037	117.46	109.64
KY053	55.18	51.50	LA182	66.10	61.69	MA039	117.46	109.64
KY056	55.18	51.50	LA184	69.78	65.14	MA040	126.96	118.49
KY061	68.01	63.48	LA186	66.61	62.17	MA041	117.46	109.64
KY071	61.34	57.25	LA187	71.29	66.52	MA042	126.96	118.49
KY086	55.18	51.50	LA188	66.10	61.69	MA043	117.46	109.64
KY107	55.18	51.50	LA189	66.61	62.17	MA044	126.96	118.49
KY121	55.18	51.50	LA190	69.78	65.14	MA045	126.96	118.49
KY132	61.11	57.03	LA192	66.10	61.69	MA046	127.26	118.78
KY133	69.20	64.58	LA194	68.25	63.71	MA047	127.26	118.78
KY135	69.20	64.58	LA195	66.10	61.69	MA048	126.96	118.49
KY136	69.20	64.58	LA196	66.61	62.17	MA050	117.46	109.64
KY137	55.18	51.50	LA199	76.97	71.84	MA051	117.46	109.64
KY138	55.18	51.50	LA202	76.97	71.84	MA053	126.96	118.49
KY140	68.01	63.48	LA204	76.97	71.84	MA054	126.96	118.49
KY141	55.18	51.50	LA205	76.97	71.84	MA055	126.96	118.49
KY142	60.35	56.32	LA206	66.61	62.17	MA056	126.96	118.49
KY150	55.18	51.50	LA207	66.61	62.17	MA057	126.96	118.49
KY157	55.18	51.50	LA211	68.25	63.71	MA059	126.96	118.49
KY160	55.18	51.50	LA212	66.10	61.69	MA060	117.46	109.64
KY161	60.35	56.32	LA213	71.11	66.38	MA061	126.96	118.49
KY163	55.18	51.50	LA214	66.61	62.17	MA063	126.96	118.49
KY169	55.18	51.50	LA215	66.10	61.69	MA065	126.96	118.49
KY171	61.41	57.32	LA219	76.97	71.84	MA066	117.46	109.64
KY901	68.01	63.48	LA220	66.10	61.69	MA067	126.96	118.49
LA001	71.29	66.52	LA222	66.10	61.69	MA069	126.96	118.49
LA002	69.78	65.14	LA229	66.10	61.69	MA070	126.96	118.49
LA003	76.97	71.84	LA230	69.78	65.14	MA072	126.96	118.49
LA004	66.61	62.17	LA232	66.10	61.69	MA073	126.96	118.49
LA005	66.61	62.17	LA233	66.10	61.69	MA074	126.96	118.49
LA006	66.61	62.17	LA238	71.29	66.52	MA075	126.96	118.49
LA009	76.97	71.84	LA241	66.10	61.69	MA076	117.46	109.64
LA012	71.29	66.52	LA242	66.10	61.69	MA077	117.46	109.64
LA013	71.29	66.52	LA246	66.10	61.69	MA078	117.46	109.64
LA023	66.61	62.17	LA247	66.10	61.69	MA079	126.96	118.49
LA024	66.10	61.69	LA248	66.10	61.69	MA080	117.46	109.64
LA029	66.61	62.17	LA253	68.25	63.71	MA081	117.46	109.64
LA031	66.10	61.69	LA257	66.10	61.69	MA082	117.46	109.64
LA032	66.61	62.17	LA258	66.10	61.69	MA084	117.46	109.64
LA033	66.10	61.69	LA266	66.61	62.17	MA085	117.46	109.64
LA036	66.10	61.69	LA888	69.78	65.14	MA086	117.46	109.64
LA037	71.11	66.38	LA889	71.29	66.52	MA087	117.46	109.64
LA046	66.61	62.17	LA903	71.29	66.52	MA088	117.46	109.64

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
MA089	126.96	118.49	ME001	64.81	60.49	MI132	54.78	51.13
MA090	126.96	118.49	ME002	64.81	60.49	MI139	66.73	62.29
MA091	126.96	118.49	ME003	103.66	96.76	MI157	66.73	62.29
MA092	126.96	118.49	ME004	64.81	60.49	MI167	63.98	59.72
MA093	126.96	118.49	ME005	74.18	69.22	MI168	63.98	59.72
MA094	116.88	109.10	ME006	79.27	73.97	MI178	54.78	51.13
MA095	127.26	118.78	ME007	74.18	69.22	MI186	55.08	51.41
MA096	116.88	109.10	ME008	68.14	63.59	MI194	63.98	59.72
MA098	126.96	118.49	ME009	75.29	70.28	MI198	62.99	58.79
MA099	126.96	118.49	ME011	91.20	85.11	MI880	63.98	59.72
MA100	117.46	109.64	ME015	103.66	96.76	MI901	66.73	62.29
MA101	126.96	118.49	ME018	75.29	70.28	MN001	89.79	83.81
MA105	117.46	109.64	ME019	83.08	77.53	MN002	89.79	83.81
MA106	117.46	109.64	ME020	103.66	96.76	MN003	66.42	61.99
MA107	117.46	109.64	ME021	75.29	70.28	MN006	62.11	57.97
MA108	117.46	109.64	ME025	64.81	60.49	MN007	66.42	61.99
MA109	126.96	118.49	ME027	66.53	62.10	MN008	61.26	57.17
MA110	127.26	118.78	ME028	91.20	85.11	MN009	61.26	57.17
MA111	126.96	118.49	ME030	68.14	63.59	MN018	61.26	57.17
MA112	126.96	118.49	ME901	63.62	59.37	MN021	75.15	70.14
MA116	126.96	118.49	MI001	66.73	62.29	MN032	61.26	57.17
MA117	126.96	118.49	MI003	66.73	62.29	MN034	61.26	57.17
MA118	126.96	118.49	MI005	66.73	62.29	MN037	61.26	57.17
MA119	126.96	118.49	MI006	57.07	53.26	MN038	68.41	63.85
MA121	126.96	118.49	MI008	66.73	62.29	MN049	61.26	57.17
MA122	126.96	118.49	MI009	57.44	53.61	MN063	66.70	62.26
MA123	117.46	109.64	MI010	58.17	54.30	MN067	89.79	83.81
MA125	126.96	118.49	MI019	54.78	51.13	MN073	66.42	61.99
MA127	117.46	109.64	MI020	54.78	51.13	MN077	66.83	62.38
MA133	126.96	118.49	MI023	55.08	51.41	MN085	61.26	57.17
MA134	126.96	118.49	MI027	66.73	62.29	MN090	61.26	57.17
MA135	126.96	118.49	MI030	54.78	51.13	MN101	61.26	57.17
MA138	127.26	118.78	MI031	62.99	58.79	MN107	61.26	57.17
MA139	117.46	109.64	MI032	58.17	54.30	MN128	61.26	57.17
MA140	126.96	118.49	MI035	60.15	56.14	MN144	89.79	83.81
MA147	126.96	118.49	MI036	54.78	51.13	MN147	89.79	83.81
MA154	126.96	118.49	MI037	66.73	62.29	MN151	74.34	69.40
MA155	126.96	118.49	MI038	57.67	53.84	MN152	89.79	83.81
MA165	126.96	118.49	MI039	66.73	62.29	MN153	61.26	57.17
MA170	116.13	108.40	MI040	66.73	62.29	MN154	61.26	57.17
MA172	117.46	109.64	MI044	66.73	62.29	MN158	75.15	70.14
MA174	126.96	118.49	MI045	66.73	62.29	MN161	64.27	59.98
MA180	127.26	118.78	MI047	54.78	51.13	MN163	89.79	83.81
MA181	127.26	118.78	MI048	66.73	62.29	MN164	75.15	70.14
MA188	117.46	109.64	MI049	54.78	51.13	MN166	61.26	57.17
MA880	126.96	118.49	MI050	54.78	51.13	MN167	66.70	62.26
MA881	126.96	118.49	MI051	66.73	62.29	MN168	64.27	59.98
MA882	117.46	109.64	MI052	66.73	62.29	MN169	61.26	57.17
MA883	126.96	118.49	MI055	66.73	62.29	MN170	89.79	83.81
MA901	126.96	118.49	MI058	63.98	59.72	MN171	63.23	59.00
MD001	84.56	78.92	MI059	66.73	62.29	MN172	68.41	63.85
MD002	84.56	78.92	MI060	58.76	54.83	MN173	61.26	57.17
MD003	114.69	107.05	MI061	59.13	55.19	MN174	61.26	57.17
MD004	114.69	107.05	MI063	54.78	51.13	MN176	61.26	57.17
MD006	66.34	61.90	MI064	79.51	74.21	MN177	61.26	57.17
MD007	114.69	107.05	MI066	62.99	58.79	MN178	64.27	59.98
MD009	63.94	59.68	MI070	58.76	54.83	MN179	61.26	57.17
MD014	76.00	70.94	MI073	62.99	58.79	MN180	61.26	57.17
MD015	114.69	107.05	MI074	59.13	55.19	MN182	61.26	57.17
MD016	90.84	84.79	MI080	60.81	56.76	MN184	89.79	83.81
MD018	84.56	78.92	MI084	58.76	54.83	MN188	61.26	57.17
MD019	76.22	71.13	MI087	58.76	54.83	MN190	61.26	57.17
MD021	95.93	89.53	MI089	66.73	62.29	MN191	61.26	57.17
MD022	114.69	107.05	MI093	62.99	58.79	MN192	61.26	57.17
MD023	84.56	78.92	MI094	54.78	51.13	MN193	68.83	64.25
MD024	114.69	107.05	MI096	66.73	62.29	MN197	61.26	57.17
MD025	84.56	78.92	MI097	66.73	62.29	MN200	61.26	57.17
MD027	84.56	78.92	MI100	66.73	62.29	MN203	64.27	59.98
MD028	66.34	61.90	MI112	54.78	51.13	MN212	89.79	83.81
MD029	90.84	84.79	MI115	62.99	58.79	MN216	89.79	83.81
MD032	84.56	78.92	MI117	54.78	51.13	MN219	66.70	62.26
MD033	84.56	78.92	MI119	54.78	51.13	MN220	66.83	62.38
MD034	84.56	78.92	MI120	58.17	54.30	MN801	89.79	83.81
MD901	114.69	107.05	MI121	59.13	55.19	MN802	89.79	83.81

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
MO001	66.03	61.62	NC006	67.94	63.42	ND019	75.04	70.03
MO002	64.19	59.90	NC007	65.65	61.27	ND021	75.15	70.14
MO003	63.30	59.08	NC008	71.93	67.12	ND022	75.04	70.03
MO004	66.03	61.62	NC009	66.73	62.27	ND025	75.04	70.03
MO006	66.03	61.62	NC011	67.94	63.42	ND026	75.04	70.03
MO007	63.30	59.08	NC012	67.94	63.42	ND030	75.04	70.03
MO008	63.30	59.08	NC013	78.43	73.19	ND031	75.04	70.03
MO009	63.30	59.08	NC014	62.57	58.40	ND035	75.04	70.03
MO010	63.30	59.08	NC015	65.65	61.27	ND036	75.04	70.03
MO014	63.30	59.08	NC018	62.57	58.40	ND037	75.04	70.03
MO016	63.30	59.08	NC019	65.65	61.27	ND038	75.04	70.03
MO017	64.19	59.90	NC020	62.57	58.40	ND039	75.04	70.03
MO030	64.19	59.90	NC021	78.43	73.19	ND044	75.04	70.03
MO037	63.30	59.08	NC022	65.65	61.27	ND049	75.04	70.03
MO040	63.30	59.08	NC025	62.57	58.40	ND052	75.04	70.03
MO053	64.19	59.90	NC032	62.57	58.40	ND054	75.04	70.03
MO058	63.30	59.08	NC035	63.16	58.95	ND055	75.04	70.03
MO064	63.30	59.08	NC039	64.63	60.33	ND070	75.04	70.03
MO065	63.30	59.08	NC050	65.78	61.39	ND901	75.04	70.03
MO072	63.30	59.08	NC056	69.17	64.56	NE001	69.61	64.97
MO074	63.30	59.08	NC057	71.93	67.12	NE002	68.92	64.33
MO107	63.30	59.08	NC059	67.94	63.42	NE003	68.92	64.33
MO129	63.30	59.08	NC065	71.93	67.12	NE004	68.92	64.33
MO133	63.30	59.08	NC070	68.42	63.85	NE010	68.92	64.33
MO145	63.30	59.08	NC071	64.63	60.33	NE041	68.92	64.33
MO149	63.30	59.08	NC072	68.13	63.60	NE078	68.92	64.33
MO188	63.30	59.08	NC075	62.57	58.40	NE083	68.92	64.33
MO190	63.30	59.08	NC077	62.57	58.40	NE094	68.92	64.33
MO193	64.19	59.90	NC081	67.94	63.42	NE100	68.92	64.33
MO196	64.19	59.90	NC087	65.65	61.27	NE104	68.92	64.33
MO197	64.19	59.90	NC089	62.57	58.40	NE114	68.92	64.33
MO198	63.30	59.08	NC098	65.65	61.27	NE120	68.92	64.33
MO199	66.03	61.62	NC102	68.42	63.85	NE123	68.92	64.33
MO200	63.30	59.08	NC104	78.43	73.19	NE141	68.92	64.33
MO203	63.30	59.08	NC118	62.57	58.40	NE143	68.92	64.33
MO204	64.19	59.90	NC120	78.43	73.19	NE150	68.92	64.33
MO205	66.03	61.62	NC134	68.42	63.85	NE153	69.61	64.97
MO206	63.30	59.08	NC137	65.65	61.27	NE157	68.92	64.33
MO207	63.30	59.08	NC138	62.57	58.40	NE174	69.61	64.97
MO209	63.30	59.08	NC139	62.57	58.40	NE175	69.01	64.41
MO210	64.19	59.90	NC140	65.65	61.27	NE179	68.92	64.33
MO212	63.30	59.08	NC141	62.57	58.40	NE180	68.92	64.33
MO213	64.19	59.90	NC144	65.65	61.27	NE181	68.92	64.33
MO215	63.30	59.08	NC145	62.57	58.40	NE182	68.92	64.33
MO216	63.30	59.08	NC146	62.57	58.40	NH001	92.84	86.64
MO217	63.30	59.08	NC147	65.65	61.27	NH002	98.63	92.05
MO227	66.03	61.62	NC149	62.57	58.40	NH003	96.13	89.73
MS004	63.36	59.14	NC150	62.57	58.40	NH004	96.13	89.73
MS005	66.43	62.01	NC151	62.57	58.40	NH005	105.72	98.66
MS006	63.36	59.14	NC152	65.65	61.27	NH006	96.13	89.73
MS016	67.53	63.03	NC155	62.57	58.40	NH007	83.27	77.72
MS019	63.36	59.14	NC159	69.17	64.56	NH008	96.13	89.73
MS030	63.36	59.14	NC160	62.57	58.40	NH009	85.96	80.22
MS040	66.43	62.01	NC161	62.57	58.40	NH010	98.80	92.21
MS057	63.36	59.14	NC163	65.78	61.39	NH011	75.78	70.74
MS058	78.40	73.16	NC164	78.43	73.19	NH012	80.73	75.35
MS095	63.36	59.14	NC165	62.57	58.40	NH013	96.13	89.73
MS103	78.40	73.16	NC166	62.57	58.40	NH014	96.13	89.73
MS107	63.36	59.14	NC167	63.74	59.49	NH015	75.78	70.74
MS128	63.36	59.14	NC173	65.65	61.27	NH016	75.78	70.74
MS301	66.43	62.01	NC175	65.65	61.27	NH022	117.46	109.64
MT001	86.92	81.13	NC901	62.57	58.40	NH888	98.63	92.05
MT002	76.95	71.83	ND001	75.15	70.14	NH901	92.84	86.64
MT003	71.63	66.85	ND002	75.04	70.03	NJ002	109.48	102.16
MT004	83.29	77.73	ND003	75.04	70.03	NJ003	109.48	102.16
MT006	67.48	62.99	ND009	75.04	70.03	NJ004	93.44	87.21
MT015	73.11	68.22	ND010	75.15	70.14	NJ006	112.11	104.65
MT033	78.24	73.01	ND011	75.04	70.03	NJ007	109.75	102.44
MT036	73.11	68.22	ND012	75.15	70.14	NJ008	109.75	102.44
MT901	86.92	81.13	ND013	75.04	70.03	NJ009	93.44	87.21
NC001	65.65	61.27	ND014	75.15	70.14	NJ010	90.84	84.79
NC002	78.43	73.19	ND015	75.04	70.03	NJ011	112.11	104.65
NC003	71.93	67.12	ND016	75.04	70.03	NJ012	93.44	87.21
NC004	62.57	58.40	ND017	75.04	70.03	NJ013	112.11	104.65

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
NJ014	92.57	86.42	NM006	78.11	72.89	NY109	67.65	63.15
NJ015	93.44	87.21	NM009	92.55	86.37	NY110	99.98	93.31
NJ021	112.11	104.65	NM020	61.16	57.07	NY111	115.02	107.36
NJ022	112.11	104.65	NM033	60.44	56.41	NY113	115.02	107.36
NJ023	109.48	102.16	NM039	60.44	56.41	NY114	99.98	93.31
NJ025	109.48	102.16	NM050	92.55	86.37	NY117	115.02	107.36
NJ026	93.44	87.21	NM057	78.21	73.00	NY120	115.02	107.36
NJ030	93.44	87.21	NM061	60.44	56.41	NY121	115.02	107.36
NJ032	109.48	102.16	NM063	61.16	57.07	NY123	115.02	107.36
NJ033	112.11	104.65	NM066	76.97	71.83	NY125	102.76	95.92
NJ035	112.11	104.65	NM067	60.44	56.41	NY127	115.02	107.36
NJ036	93.44	87.21	NM077	78.21	73.00	NY128	115.02	107.36
NJ037	109.48	102.16	NM088	64.45	60.16	NY130	115.02	107.36
NJ039	109.48	102.16	NV001	82.23	76.75	NY132	115.02	107.36
NJ042	112.11	104.65	NV018	92.37	86.22	NY134	102.76	95.92
NJ043	112.11	104.65	NV905	82.23	76.75	NY137	102.76	95.92
NJ044	112.11	104.65	NY001	73.89	68.97	NY138	99.98	93.31
NJ046	109.75	102.44	NY002	69.06	64.47	NY141	115.02	107.36
NJ047	112.11	104.65	NY003	115.02	107.36	NY146	115.02	107.36
NJ048	109.75	102.44	NY005	99.98	93.31	NY147	115.02	107.36
NJ049	89.00	83.06	NY006	67.65	63.15	NY148	99.98	93.31
NJ050	109.48	102.16	NY009	80.30	74.95	NY149	115.02	107.36
NJ051	90.84	84.79	NY012	80.30	74.95	NY151	115.02	107.36
NJ052	109.48	102.16	NY015	80.30	74.95	NY152	115.02	107.36
NJ054	109.75	102.44	NY016	70.07	65.40	NY154	115.02	107.36
NJ055	112.11	104.65	NY017	61.14	57.06	NY158	102.76	95.92
NJ056	109.75	102.44	NY018	64.81	60.49	NY159	115.02	107.36
NJ058	90.84	84.79	NY019	67.65	63.15	NY160	99.98	93.31
NJ059	92.57	86.42	NY020	80.30	74.95	NY165	115.02	107.36
NJ060	109.75	102.44	NY021	70.58	65.88	NY402	71.35	66.59
NJ061	89.00	83.06	NY022	80.30	74.95	NY403	57.73	53.88
NJ063	89.00	83.06	NY023	115.02	107.36	NY404	69.06	64.47
NJ065	109.75	102.44	NY025	80.30	74.95	NY405	69.06	64.47
NJ066	109.48	102.16	NY027	73.89	68.97	NY406	84.53	78.90
NJ067	112.11	104.65	NY028	80.30	74.95	NY408	80.30	74.95
NJ068	109.48	102.16	NY033	80.30	74.95	NY409	69.06	64.47
NJ070	112.11	104.65	NY034	67.65	63.15	NY413	74.27	69.32
NJ071	112.11	104.65	NY035	115.02	107.36	NY416	80.30	74.95
NJ073	90.84	84.79	NY038	115.02	107.36	NY417	67.65	63.15
NJ074	90.84	84.79	NY041	84.53	78.90	NY421	80.30	74.95
NJ075	112.11	104.65	NY042	115.02	107.36	NY422	80.30	74.95
NJ077	93.44	87.21	NY044	84.53	78.90	NY424	80.30	74.95
NJ081	109.75	102.44	NY045	90.43	84.40	NY427	80.30	74.95
NJ083	93.44	87.21	NY048	57.99	54.12	NY428	80.30	74.95
NJ084	112.11	104.65	NY049	102.76	95.92	NY430	80.30	74.95
NJ086	109.48	102.16	NY050	115.02	107.36	NY431	80.30	74.95
NJ088	109.48	102.16	NY051	102.76	95.92	NY433	57.99	54.12
NJ089	112.11	104.65	NY054	78.97	73.72	NY443	67.65	63.15
NJ090	112.11	104.65	NY057	115.02	107.36	NY447	80.30	74.95
NJ092	109.48	102.16	NY059	67.65	63.15	NY449	69.06	64.47
NJ095	109.75	102.44	NY060	74.27	69.32	NY501	80.30	74.95
NJ097	112.11	104.65	NY061	66.95	62.48	NY503	80.30	74.95
NJ099	109.48	102.16	NY062	102.76	95.92	NY504	73.89	68.97
NJ102	109.48	102.16	NY065	67.82	63.31	NY505	70.07	65.40
NJ105	109.48	102.16	NY066	68.34	63.80	NY512	80.30	74.95
NJ106	112.11	104.65	NY067	64.69	60.37	NY513	80.30	74.95
NJ108	109.48	102.16	NY068	63.38	59.14	NY516	80.30	74.95
NJ109	109.48	102.16	NY070	69.06	64.47	NY519	80.30	74.95
NJ110	112.11	104.65	NY071	75.78	70.72	NY521	73.89	68.97
NJ112	112.11	104.65	NY073	76.02	70.96	NY522	62.33	58.16
NJ113	109.48	102.16	NY077	115.02	107.36	NY527	73.89	68.97
NJ114	112.11	104.65	NY079	76.02	70.96	NY529	90.43	84.40
NJ118	90.84	84.79	NY084	99.98	93.31	NY530	74.27	69.32
NJ204	90.84	84.79	NY085	115.02	107.36	NY532	80.30	74.95
NJ212	107.56	100.39	NY086	115.02	107.36	NY534	67.65	63.15
NJ214	109.75	102.44	NY087	62.33	58.16	NY535	80.30	74.95
NJ880	109.75	102.44	NY088	115.02	107.36	NY538	80.30	74.95
NJ881	112.11	104.65	NY089	84.53	78.90	NY541	63.38	59.14
NJ882	109.48	102.16	NY091	69.06	64.47	NY552	67.65	63.15
NJ902	90.84	84.79	NY094	115.02	107.36	NY557	80.30	74.95
NJ912	109.48	102.16	NY098	67.65	63.15	NY561	80.30	74.95
NM001	78.21	73.00	NY102	73.89	68.97	NY562	80.30	74.95
NM002	60.44	56.41	NY103	90.43	84.40	NY564	80.30	74.95
NM003	62.07	57.93	NY107	73.89	68.97	NY630	80.30	74.95

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
NY888	115.02	107.36	OH080	60.49	56.45	PA027	60.66	56.61
NY889	61.14	57.06	OH081	60.56	56.52	PA028	82.51	77.02
NY891	115.02	107.36	OH082	59.19	55.24	PA029	65.53	61.16
NY892	115.02	107.36	OH083	67.79	63.26	PA030	61.46	57.36
NY895	115.02	107.36	OH085	71.03	66.29	PA031	67.00	62.53
NY904	115.02	107.36	OH086	59.05	55.11	PA032	64.66	60.34
NY912	69.06	64.47	OH882	71.46	66.69	PA033	64.00	59.73
OH001	67.79	63.26	OK002	63.67	59.43	PA034	69.13	64.51
OH002	61.56	57.45	OK005	61.94	57.81	PA035	79.18	73.90
OH003	71.46	66.69	OK006	61.62	57.52	PA036	80.41	75.06
OH004	69.20	64.58	OK024	61.62	57.52	PA037	69.71	65.06
OH005	63.13	58.92	OK027	61.62	57.52	PA038	61.46	57.36
OH006	71.03	66.29	OK032	61.62	57.52	PA039	74.47	69.51
OH007	70.29	65.62	OK033	61.94	57.81	PA041	63.86	59.60
OH008	61.56	57.45	OK044	61.62	57.52	PA042	61.46	57.36
OH009	59.05	55.11	OK062	61.62	57.52	PA043	61.46	57.36
OH010	59.05	55.11	OK067	61.62	57.52	PA044	61.46	57.36
OH012	71.46	66.69	OK073	61.94	57.81	PA045	64.56	60.25
OH014	61.97	57.84	OK095	63.35	59.13	PA046	90.84	84.79
OH015	69.20	64.58	OK096	61.62	57.52	PA047	61.46	57.36
OH016	60.56	56.52	OK099	61.62	57.52	PA048	75.01	70.01
OH018	60.56	56.52	OK111	61.62	57.52	PA050	62.31	58.17
OH019	60.35	56.32	OK118	61.62	57.52	PA051	90.84	84.79
OH020	59.05	55.11	OK139	63.67	59.43	PA052	79.18	73.90
OH021	63.13	58.92	OK142	61.94	57.81	PA053	64.56	60.25
OH022	63.13	58.92	OK146	61.62	57.52	PA054	63.17	58.95
OH024	59.05	55.11	OK148	63.35	59.13	PA055	64.56	60.25
OH025	71.46	66.69	OK901	63.67	59.43	PA056	61.77	57.65
OH026	60.02	56.01	OR001	83.78	78.19	PA057	61.46	57.36
OH027	71.46	66.69	OR002	83.78	78.19	PA058	64.00	59.73
OH028	62.88	58.68	OR003	84.99	79.33	PA059	61.77	57.65
OH029	69.68	65.02	OR005	79.10	73.83	PA060	64.56	60.25
OH030	59.05	55.11	OR006	96.28	89.86	PA061	64.56	60.25
OH031	70.29	65.62	OR007	81.32	75.89	PA063	64.56	60.25
OH032	59.26	55.31	OR008	89.95	83.95	PA064	62.31	58.17
OH033	59.05	55.11	OR011	89.95	83.95	PA065	64.56	60.25
OH034	59.26	55.31	OR014	89.95	83.95	PA067	77.37	72.20
OH035	59.05	55.11	OR015	95.65	89.27	PA068	62.31	58.17
OH036	59.32	55.37	OR016	83.78	78.19	PA069	67.00	62.53
OH037	59.05	55.11	OR017	77.62	72.46	PA071	75.45	70.41
OH038	69.20	64.58	OR019	85.05	79.37	PA073	61.46	57.36
OH039	59.05	55.11	OR020	84.99	79.33	PA074	62.31	58.17
OH040	59.05	55.11	OR022	83.78	78.19	PA075	79.18	73.90
OH041	59.05	55.11	OR026	86.03	80.29	PA076	77.37	72.20
OH042	71.46	66.69	OR027	77.62	72.46	PA077	63.17	58.95
OH043	67.79	63.26	OR028	83.78	78.19	PA078	100.29	93.61
OH044	61.56	57.45	OR031	87.14	81.34	PA079	64.00	59.73
OH045	59.05	55.11	OR032	81.32	75.89	PA080	63.17	58.95
OH046	59.05	55.11	OR034	92.48	86.32	PA081	77.37	72.20
OH047	59.05	55.11	PA001	63.40	59.17	PA082	73.06	68.19
OH049	69.20	64.58	PA002	90.84	84.79	PA083	61.99	57.86
OH050	59.05	55.11	PA003	61.46	57.36	PA085	60.66	56.61
OH053	59.05	55.11	PA004	77.37	72.20	PA086	61.77	57.65
OH054	61.53	57.43	PA005	63.40	59.17	PA087	76.96	71.83
OH056	59.05	55.11	PA006	63.40	59.17	PA088	86.25	80.49
OH058	59.05	55.11	PA007	90.84	84.79	PA090	80.41	75.06
OH059	67.79	63.26	PA008	79.18	73.90	PA091	73.31	68.42
OH060	59.05	55.11	PA009	75.45	70.41	PA092	62.46	58.30
OH061	60.41	56.38	PA010	63.40	59.17	RI001	116.13	108.40
OH062	63.13	58.92	PA011	77.37	72.20	RI002	116.13	108.40
OH063	59.05	55.11	PA012	90.84	84.79	RI003	116.13	108.40
OH066	59.05	55.11	PA013	76.96	71.83	RI004	116.13	108.40
OH067	59.05	55.11	PA014	63.40	59.17	RI005	110.95	103.54
OH069	59.05	55.11	PA015	63.40	59.17	RI006	116.13	108.40
OH070	67.79	63.26	PA016	69.71	65.06	RI007	116.13	108.40
OH071	71.03	66.29	PA017	63.40	59.17	RI008	100.98	94.25
OH072	59.05	55.11	PA018	63.40	59.17	RI009	116.13	108.40
OH073	71.46	66.69	PA019	65.06	60.72	RI010	116.13	108.40
OH074	60.70	56.65	PA020	71.42	66.66	RI011	116.13	108.40
OH075	59.05	55.11	PA021	65.06	60.72	RI012	116.13	108.40
OH076	59.05	55.11	PA022	72.68	67.83	RI014	116.13	108.40
OH077	59.05	55.11	PA023	90.84	84.79	RI015	116.13	108.40
OH078	59.05	55.11	PA024	77.37	72.20	RI016	116.13	108.40
OH079	67.79	63.26	PA026	64.00	59.73	RI017	116.13	108.40

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
RI018	116.13	108.40	RQ071	74.42	69.46	TN013	62.03	57.90
RI019	116.13	108.40	RQ072	79.99	74.65	TN020	74.84	69.85
RI020	116.13	108.40	RQ073	74.42	69.46	TN024	62.03	57.90
RI022	116.13	108.40	RQ074	74.42	69.46	TN026	62.03	57.90
RI024	116.13	108.40	RQ075	79.99	74.65	TN035	74.84	69.85
RI026	116.13	108.40	RQ077	79.99	74.65	TN038	62.62	58.44
RI027	116.13	108.40	RQ080	74.42	69.46	TN042	62.03	57.90
RI028	116.13	108.40	RQ081	79.99	74.65	TN054	62.62	58.44
RI029	116.13	108.40	RQ082	79.99	74.65	TN062	62.03	57.90
RI901	116.13	108.40	RQ083	79.99	74.65	TN065	62.99	58.80
RQ006	79.99	74.65	RQ901	79.99	74.65	TN066	62.62	58.44
RQ007	74.42	69.46	RQ911	79.99	74.65	TN076	62.62	58.44
RQ008	79.99	74.65	SC001	70.95	66.22	TN079	74.84	69.85
RQ009	74.42	69.46	SC002	71.72	66.94	TN088	62.99	58.80
RQ010	74.42	69.46	SC003	65.47	61.10	TN113	62.99	58.80
RQ011	79.99	74.65	SC004	65.47	61.10	TN117	68.46	63.89
RQ012	74.42	69.46	SC005	65.47	61.10	TN903	74.84	69.85
RQ013	79.99	74.65	SC007	68.81	64.22	TQ901	115.26	107.59
RQ014	79.99	74.65	SC008	65.47	61.10	TX001	83.25	77.71
RQ015	79.99	74.65	SC015	63.41	59.18	TX003	70.73	66.00
RQ016	79.99	74.65	SC016	65.47	61.10	TX004	79.54	74.24
RQ017	74.42	69.46	SC018	65.47	61.10	TX005	75.51	70.49
RQ018	74.42	69.46	SC019	65.47	61.10	TX006	73.18	68.32
RQ019	79.99	74.65	SC020	65.47	61.10	TX007	64.89	60.56
RQ020	81.73	76.28	SC021	63.41	59.18	TX008	74.62	69.63
RQ021	79.99	74.65	SC022	71.93	67.12	TX009	85.36	79.68
RQ022	79.99	74.65	SC023	65.47	61.10	TX010	63.99	59.72
RQ023	79.99	74.65	SC024	70.95	66.22	TX011	63.99	59.72
RQ024	79.99	74.65	SC025	65.47	61.10	TX012	75.51	70.49
RQ025	79.99	74.65	SC026	66.82	62.35	TX014	63.99	59.72
RQ026	74.42	69.46	SC027	65.47	61.10	TX016	60.94	56.88
RQ027	79.99	74.65	SC028	63.41	59.18	TX017	75.51	70.49
RQ028	79.99	74.65	SC029	65.47	61.10	TX018	63.99	59.72
RQ029	74.42	69.46	SC030	63.41	59.18	TX019	60.94	56.88
RQ030	74.42	69.46	SC031	63.41	59.18	TX021	60.94	56.88
RQ031	74.42	69.46	SC032	65.47	61.10	TX023	73.12	68.24
RQ032	79.99	74.65	SC033	63.41	59.18	TX025	64.89	60.56
RQ033	74.42	69.46	SC034	65.47	61.10	TX027	85.36	79.68
RQ034	79.99	74.65	SC035	63.41	59.18	TX028	64.15	59.86
RQ035	74.42	69.46	SC036	71.93	67.12	TX029	64.15	59.86
RQ036	79.99	74.65	SC037	65.47	61.10	TX030	63.99	59.72
RQ037	74.42	69.46	SC046	71.93	67.12	TX031	83.25	77.71
RQ038	79.99	74.65	SC056	70.95	66.22	TX032	75.51	70.49
RQ039	81.73	76.28	SC057	70.95	66.22	TX034	73.12	68.24
RQ040	81.73	76.28	SC059	63.41	59.18	TX035	61.09	57.01
RQ041	74.42	69.46	SC911	71.72	66.94	TX037	73.12	68.24
RQ042	74.42	69.46	SD010	69.03	64.42	TX039	60.94	56.88
RQ043	74.42	69.46	SD011	67.22	62.74	TX042	60.94	56.88
RQ044	79.99	74.65	SD014	67.22	62.74	TX044	60.94	56.88
RQ045	79.99	74.65	SD016	69.03	64.42	TX046	64.15	59.86
RQ046	74.42	69.46	SD021	67.22	62.74	TX048	60.94	56.88
RQ047	79.99	74.65	SD026	67.22	62.74	TX049	60.94	56.88
RQ048	74.42	69.46	SD034	67.22	62.74	TX051	64.15	59.86
RQ049	79.99	74.65	SD035	73.04	68.16	TX062	64.15	59.86
RQ050	79.99	74.65	SD036	67.22	62.74	TX064	64.15	59.86
RQ052	74.42	69.46	SD037	67.22	62.74	TX065	64.89	60.56
RQ053	79.99	74.65	SD039	69.03	64.42	TX072	60.94	56.88
RQ054	79.99	74.65	SD043	67.22	62.74	TX073	64.15	59.86
RQ055	74.42	69.46	SD045	67.22	62.74	TX075	60.94	56.88
RQ056	79.99	74.65	SD047	67.22	62.74	TX079	63.99	59.72
RQ057	74.42	69.46	SD048	67.22	62.74	TX081	60.94	56.88
RQ058	74.42	69.46	SD055	67.22	62.74	TX085	88.67	82.75
RQ059	74.42	69.46	SD056	67.22	62.74	TX087	83.25	77.71
RQ060	74.42	69.46	SD057	67.22	62.74	TX095	85.36	79.68
RQ061	74.42	69.46	SD058	67.22	62.74	TX096	60.94	56.88
RQ062	74.42	69.46	SD059	67.22	62.74	TX105	60.94	56.88
RQ063	79.99	74.65	TN001	67.53	63.03	TX111	65.49	61.12
RQ064	79.99	74.65	TN002	62.62	58.44	TX114	60.94	56.88
RQ065	74.42	69.46	TN003	62.99	58.80	TX128	85.36	79.68
RQ066	74.42	69.46	TN004	68.46	63.89	TX134	60.94	56.88
RQ067	74.42	69.46	TN005	74.84	69.85	TX137	63.99	59.72
RQ068	74.42	69.46	TN006	62.62	58.44	TX147	60.94	56.88
RQ069	74.42	69.46	TN007	62.62	58.44	TX152	60.94	56.88
RQ070	79.99	74.65	TN012	62.99	58.80	TX158	63.99	59.72

PHA	A rate	B rate	PHA	A rate	B rate	PHA	A rate	B rate
TX163	74.62	69.63	TX461	64.83	60.52	VA022	57.09	53.27
TX164	74.62	69.63	TX470	63.99	59.72	VA023	57.09	53.27
TX173	64.89	60.56	TX472	63.99	59.72	VA024	56.16	52.42
TX174	74.62	69.63	TX480	83.25	77.71	VA025	77.79	72.60
TX175	60.94	56.88	TX481	63.99	59.72	VA028	114.69	107.05
TX177	64.15	59.86	TX482	63.99	59.72	VA030	56.16	52.42
TX178	60.94	56.88	TX483	75.51	70.49	VA031	62.62	58.44
TX183	60.94	56.88	TX484	81.55	76.11	VA032	62.62	58.44
TX189	60.94	56.88	TX485	60.94	56.88	VA034	56.16	52.42
TX193	73.18	68.32	TX486	61.94	57.81	VA035	114.69	107.05
TX197	63.99	59.72	TX488	60.94	56.88	VA036	78.90	73.64
TX201	60.94	56.88	TX493	85.36	79.68	VA037	56.30	52.54
TX202	64.15	59.86	TX495	79.54	74.24	VA038	56.16	52.42
TX206	64.89	60.56	TX497	64.15	59.86	VA039	77.79	72.60
TX208	63.99	59.72	TX498	65.49	61.12	VA040	56.16	52.42
TX210	63.99	59.72	TX499	63.99	59.72	VA041	77.79	72.60
TX217	60.94	56.88	TX500	60.94	56.88	VA042	62.62	58.44
TX224	64.15	59.86	TX505	75.51	70.49	VA044	57.06	53.26
TX236	63.99	59.72	TX509	64.89	60.56	VA046	114.69	107.05
TX242	60.94	56.88	TX511	60.94	56.88	VA901	70.56	65.85
TX257	63.99	59.72	TX512	60.94	56.88	VQ901	97.78	91.26
TX259	83.25	77.71	TX514	63.99	59.72	VT001	93.98	87.72
TX263	60.94	56.88	TX516	60.94	56.88	VT002	82.48	76.98
TX264	83.25	77.71	TX519	60.94	56.88	VT003	85.32	79.63
TX266	83.25	77.71	TX522	85.36	79.68	VT004	84.47	78.84
TX272	60.94	56.88	TX523	65.49	61.12	VT005	79.08	73.81
TX284	60.94	56.88	TX526	85.52	79.82	VT006	93.98	87.72
TX298	60.94	56.88	TX533	85.36	79.68	VT008	79.08	73.81
TX300	60.94	56.88	TX534	82.23	76.75	VT009	79.93	74.60
TX302	74.62	69.63	TX535	60.94	56.88	VT901	93.98	87.72
TX303	73.18	68.32	TX537	60.94	56.88	WA001	101.38	94.60
TX309	60.94	56.88	TX542	63.99	59.72	WA002	101.38	94.60
TX313	74.62	69.63	TX546	63.99	59.72	WA003	89.54	83.57
TX322	83.25	77.71	TX559	85.36	79.68	WA004	84.56	78.92
TX327	63.99	59.72	TX560	75.51	70.49	WA005	86.08	80.36
TX330	60.94	56.88	TX901	75.51	70.49	WA006	101.38	94.60
TX332	60.94	56.88	UT002	69.85	65.20	WA007	69.02	64.42
TX335	60.94	56.88	UT003	69.85	65.20	WA008	83.78	78.19
TX341	71.76	66.98	UT004	69.85	65.20	WA011	101.38	94.60
TX343	73.18	68.32	UT006	74.57	69.59	WA012	78.20	72.98
TX349	79.54	74.24	UT007	69.85	65.20	WA013	78.47	73.23
TX350	73.18	68.32	UT009	69.85	65.20	WA014	65.20	60.86
TX358	60.94	56.88	UT011	69.85	65.20	WA017	67.21	62.73
TX372	60.94	56.88	UT014	84.82	79.16	WA018	84.56	78.92
TX376	60.94	56.88	UT015	84.82	79.16	WA020	69.02	64.42
TX377	83.25	77.71	UT016	84.82	79.16	WA021	78.20	72.98
TX378	61.09	57.01	UT020	69.85	65.20	WA024	99.35	92.71
TX381	60.94	56.88	UT021	71.94	67.15	WA025	96.24	89.81
TX392	85.36	79.68	UT022	69.85	65.20	WA036	89.54	83.57
TX395	62.95	58.76	UT025	69.85	65.20	WA039	101.38	94.60
TX396	60.94	56.88	UT026	69.85	65.20	WA042	81.31	75.88
TX397	60.94	56.88	UT028	84.82	79.16	WA049	92.51	86.33
TX421	60.94	56.88	UT029	84.82	79.16	WA054	86.08	80.36
TX431	79.54	74.24	UT030	69.85	65.20	WA055	77.87	72.69
TX432	70.73	66.00	UT031	74.57	69.59	WA057	84.54	78.90
TX433	79.54	74.24	VA001	77.79	72.60	WA061	87.99	82.12
TX434	85.36	79.68	VA002	62.62	58.44	WA064	80.07	74.72
TX435	85.36	79.68	VA003	77.79	72.60	WA071	71.46	66.69
TX436	85.36	79.68	VA004	114.69	107.05	WI001	66.42	61.99
TX439	70.73	66.00	VA005	70.56	65.85	WI002	65.72	61.34
TX440	75.51	70.49	VA006	77.79	72.60	WI003	73.14	68.27
TX441	75.51	70.49	VA007	70.56	65.85	WI006	62.88	58.69
TX444	63.99	59.72	VA010	59.70	55.72	WI011	55.85	52.12
TX445	64.15	59.86	VA011	62.10	57.95	WI020	89.79	83.81
TX447	64.15	59.86	VA012	77.79	72.60	WI031	54.95	51.28
TX448	64.15	59.86	VA013	62.80	58.61	WI043	55.34	51.66
TX449	60.94	56.88	VA014	62.80	58.61	WI045	54.95	51.28
TX452	73.18	68.32	VA015	56.16	52.42	WI047	54.95	51.28
TX454	60.94	56.88	VA016	78.90	73.64	WI048	54.95	51.28
TX455	82.23	76.75	VA017	77.79	72.60	WI060	89.79	83.81
TX456	72.96	68.10	VA018	56.16	52.42	WI064	60.98	56.92
TX457	68.34	63.79	VA019	114.69	107.05	WI065	55.34	51.66
TX458	63.99	59.72	VA020	70.56	65.85	WI068	55.85	52.12
TX459	71.76	66.98	VA021	56.16	52.42	WI069	55.85	52.12

PHA	A rate	B rate
WI070	54.95	51.28
WI083	65.72	61.34
WI085	54.95	51.28
WI091	54.95	51.28
WI096	54.95	51.28
WI127	54.95	51.28
WI131	54.95	51.28
WI142	65.72	61.34
WI160	54.95	51.28
WI166	54.95	51.28
WI183	60.04	56.03
WI186	55.09	51.41
WI193	54.95	51.28
WI195	67.96	63.42
WI201	65.72	61.34
WI203	60.98	56.92
WI204	55.85	52.12
WI205	54.95	51.28
WI206	54.95	51.28
WI208	54.95	51.28
WI213	55.34	51.66
WI214	73.14	68.27
WI218	65.72	61.34
WI219	60.98	56.92
WI221	54.95	51.28
WI222	54.95	51.28
WI231	54.95	51.28
WI233	54.95	51.28
WI237	55.97	52.24
WI241	54.95	51.28
WI242	54.95	51.28
WI244	60.32	56.30
WI245	54.95	51.28
WI246	55.58	51.87
WI248	54.95	51.28
WI256	54.95	51.28
WI901	54.95	51.28
WV001	73.20	68.32
WV003	59.05	55.11
WV004	60.35	56.32
WV005	57.93	54.07
WV006	61.01	56.94
WV009	61.66	57.55
WV010	63.75	59.50
WV015	57.93	54.07
WV016	61.97	57.84
WV017	57.70	53.86
WV018	57.70	53.86
WV027	58.91	54.99
WV034	57.70	53.86
WV035	58.91	54.99
WV037	60.35	56.32
WV039	57.93	54.07
WV042	57.93	54.07
WV045	57.70	53.86
WY002	85.45	79.76
WY003	68.38	63.83
WY004	102.96	96.10
WY013	68.38	63.83

Dominique Blom,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 2022-17252 Filed 8-12-22; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6340-D-01]

Delegation of Authority to the Principal Deputy Assistant Secretary for the Office of Policy Development and Research and General Deputy Assistant Secretary for the Office of Policy Development and Research

AGENCY: Office of the Deputy Secretary, Housing and Urban Development (HUD).

ACTION: Notice of delegation of authority.

SUMMARY: Through this notice, the Deputy Secretary of the Department of Housing and Urban Development delegates to the Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research all authority delegated to the Assistant Secretary for Policy Development and Research by the Secretary in the Delegation of Authority for the Office of Policy Development and Research published on August 30, 2011, with the exception of the authority to issue and waive regulations.

DATES: Delegation authority effective August 4, 2022.

FOR FURTHER INFORMATION CONTACT:

Todd M. Richardson, General Deputy Assistant Secretary, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street SW, Room 8100; Washington, DC 20410-6000 or telephone number 202-402-5706 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On August 30, 2011 (76 FR 53934), the Secretary delegated authority over the Department's research agenda to the Assistant Secretary for Policy Development and Research in the Delegation of Authority for the Office of Policy Development and Research. Through the notice published in this issue of the **Federal Register**, the Deputy Secretary hereby delegates to the Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research all authority delegated to the Assistant Secretary for Policy Development and Research on August 30, 2011 (76 FR

53934), with the exception of the authority to issue and waive regulations.

Accordingly, the Deputy Secretary delegates as follows:

Section A. Authority Delegated

The Deputy Secretary of HUD delegates concurrently to the Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research all authority and powers delegated to the Assistant Secretary for Policy Development and Research as published in Section A of the Delegation of Authority for the Office of Policy Development and Research published in the **Federal Register** on August 30, 2011 (76 FR 53934), with the exception of the authority to issue and waive regulations. This includes the authority and responsibility over the Department's research agenda. In carrying out these responsibilities, the Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research shall, among other duties:

1. Undertake programs of research, study, testing, and demonstration relating to the mission and programs of the Department under Title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1).

2. Administer programs related to policy development and research as assigned by the Secretary, including the following programs:

a. The Community Development Work Study Program, under section 107(c) of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(c));

b. The Community Outreach Partnership Center Program, within the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note), and section 107 of the Housing Development Act of 1974 (42 U.S.C. 5307(b)(3));

c. The Historically Black Colleges and Universities Program, under section 107(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)(3));

d. The Hispanic-Serving Institutions Assisting Communities Program, as provided for in annual HUD appropriations acts (e.g., Pub. L. 111-117, 123 Stat. 3034, approved December 16, 2009);

e. The Alaska Native/Native Hawaiian Institutions Assisting Communities program as provided for in annual HUD appropriations acts (e.g., Pub. L. 111-117, 123 Stat. 3034, approved December 16, 2009);

f. The Tribal Colleges and Universities program, as provided for in annual appropriations acts (e.g., Pub. L. 111–117, 123 Stat. 3034, approved December 16, 2009);

g. The Doctoral Dissertation Research Grant Program, as provided for in annual HUD appropriations acts (e.g., Pub. L. 111–117, 123 Stat. 3034, approved December 16, 2009); and

h. The Emergency Homeowners' Loan Program within the Emergency Homeowners' Relief Act, as amended (12 U.S.C. 2701 *et seq.*), in cooperation with HUD's Office of Housing and Office of the Chief Financial Officer.

3. Execute concurrent authority to carry out the duties and responsibilities authorized to the Secretary of HUD by Section 42(d)(5)(C) of the Internal Revenue Code.

Section B. Authority Excepted

The authority delegated in this Notice does not include the authority to issue and waive regulations.

Section C. Authority To Redelegate

The Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research are authorized to redelegate to employees of HUD any of the authority delegated to them in this notice, with the exception of the authority to issue and waive regulations.

Section D. Authority Superseded

This delegation supersedes all previous redelegations to the Principal Deputy Assistant Secretary for Policy Development and Research and the General Deputy Assistant Secretary for Policy Development and Research, including the Redelegation of Authority for the Office of Policy Development and Research published on May 18, 2012 (77 FR 29848).

Authority: Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Adrienne Todman,
Deputy Secretary.

[FR Doc. 2022–17139 Filed 8–12–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6340–D–02]

Order of Succession for the Office of Policy Development and Research

AGENCY: Office of the Deputy Secretary, Housing and Urban Development, HUD.

ACTION: Notice of order of succession.

SUMMARY: In this notice, the Deputy Secretary of the Department of Housing and Urban Development designates the Order of Succession for the Office of the Assistant Secretary for Policy Development and Research. This Order of Succession supersedes all prior Orders of Succession for the Office of Policy Development and Research, including the Order of Succession published in the **Federal Register** on July 13, 2018.

DATES: August 4, 2022.

FOR FURTHER INFORMATION CONTACT:

Todd M. Richardson, General Deputy Assistant Secretary, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street SW, Room 8100, Washington, DC 20410–6000 or telephone number 202–402–5706 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: The Deputy Secretary of the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to perform the duties and functions of the Office of the Assistant Secretary for Policy Development and Research when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Policy Development and Research is not available to exercise the powers or perform the duties of the Office. This Order of Succession is subject to the provisions of the Vacancy Reform Act of 1998 (5 U.S.C. 3345–3349d). This publication supersedes all prior Orders of Succession for the Office of Policy Development and Research, including the Order of Succession published on July 13, 2018 (83 FR 32676).

Accordingly, the Deputy Secretary of HUD designates the following Order of Succession:

Section A. Order of Succession

Subject to the provision of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Policy Development and Research is not available to exercise the powers or perform the duties of the Office of the Assistant Secretary for Policy Development and Research, the following officials within the Office of Policy Development and Research are hereby designated to exercise the

powers and perform the duties of the Office, including the authority to waive regulations:

- (1) Principal Deputy Assistant Secretary;
- (2) General Deputy Assistant Secretary;
- (3) Deputy Assistant Secretary for Economic Affairs;
- (4) Deputy Assistant Secretary for Research, Evaluation, and Monitoring; and
- (5) Deputy Assistant Secretary for Policy Development.

These officials shall perform the functions and duties of the Office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his or hers in this order, are unable to act by reason of absence, disability, or vacancy in office. No individual who is serving in an office listed in an acting capacity shall, by virtue of so acting, act as Assistant Secretary for Policy Development and Research pursuant to this Order.

Section D. Authority Superseded

This Order of Succession supersedes any prior Orders of Succession for the Office of Policy Development and Research, including the Order of Succession published on July 13, 2018 (83 FR 32676).

Authority: Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Adrienne Todman,
Deputy Secretary.

[FR Doc. 2022–17138 Filed 8–12–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21xxxx; OMB Control Number 1028–NEW]

Agency Information Collection Activities; Hawaii Forest Restoration Synthesis Online Survey and Interviews

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the U.S. Geological Survey (USGS) is requesting approval of an existing collection in use without an OMB number.

DATES: Interested persons are invited to submit comments on or before October 14, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Gordon Tribble by email at gtribble@usgs.gov, or by telephone at 808–985–6457. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The information collection includes closed-ended and open-ended responses to questions about forest restoration across the Hawaiian Islands, solicited from self-identified restoration practitioners, through an online survey (approximately 70–100 respondents) and semi-structured interviews (20–40 participants). The objective of this effort is to gather information and identify emergent themes and patterns drawn from personal perspectives and narratives not otherwise captured in ecologically-focused studies. This will aid researchers in identifying ways to improve the effectiveness and scaling up of forest restoration efforts in alignment with broadly stated ecosystem restoration goals of local NGOs to state, federal, and inter-governmental organizations.

Title of Collection: Hawaii Forest Restoration Synthesis Online Survey and Interviews.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: NEW.

Respondents/Affected Public: The survey is being distributed to people working on forest restoration in Hawaii. This includes federal, state, cultural practitioners, university, NGOs, and private citizens.

Total Estimated Number of Annual Respondents: 100.

Total Estimated Number of Annual Responses: 100.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 50 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: This is a one-time survey.

Total Estimated Annual Nonhour Burden Cost: No non-labor costs.

An agency may not conduct or sponsor, nor is a person is 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.*).

Gordon Tribble,

Director, Pacific Island Ecosystems Research Center, USGS.

[FR Doc. 2022–17443 Filed 8–12–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0119]

Agency Information Collection Activities; Permits for Recreation on Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 14, 2022.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference Office of Management and Budget (OMB) Control Number 1004–0119 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact KC Craven by email at kcraven@blm.gov, or by telephone at (702) 515–5374. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB Control Number.

As part of our continuing effort to reduce paperwork and respondent

burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

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

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM is required to manage commercial, competitive and organized group recreational uses of the public lands, and individual use of special areas. The BLM must assess, evaluate and authorize (permit) activities proposed to be conducted on public land. The estimated annual burden is estimated to increase by 308 hours (from 5,292 to 5,600). This increase in burden hours results from increasing the number of estimated annual responses from 1,323 to 1,400. The increase in the number of responses is a result of increase demand for recreation permits. This OMB Control Number is currently scheduled to expire on April 30, 2023. The BLM plans to

request that OMB renew this OMB Control Number for an additional three years.

Title of Collection: Permits for Recreation on Public Lands (43 CFR part 2930).

OMB Control Number: 1004–0119.

Form Numbers: 2930–001—Special Recreation Application.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for recreational use of public lands managed by the BLM.

Total Estimated Number of Annual Respondents: 1,400.

Total Estimated Number of Annual Responses: 1,400.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 5,600.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour

Burden Cost: None.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2022–17514 Filed 8–12–22; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Request for Information (RFI) on Federal Old-Growth and Mature Forests

AGENCY: Forest Service, Agriculture (USDA); Bureau of Land Management, Interior (DOI).

ACTION: Request for information; Extension of comment period.

SUMMARY: On July 15, 2022, the United States Department of Agriculture (USDA), United States Forest Service (Forest Service), and the United States Department of the Interior (DOI), Bureau of Land Management (BLM), published in the **Federal Register** a document entitled “Request for Information (RFI) on Federal Old-growth and Mature

Forests” and invited public comments to inform the response to Executive Order Strengthening the Nation's Forests, Communities, and Local Economies which requires USDA and DOI to define old-growth and mature forests on Federal lands; complete an inventory and make it publicly available; coordinate conservation and wildfire risk reduction activities; identify threats to mature and old-growth forests; develop policies to address threats; develop Agency-specific reforestation goals by 2030; develop climate-informed reforestation plans; and develop recommendations for community-led local and regional economic development opportunities. In response to requests by prospective commenters that they would benefit from additional time to adequately consider and respond to the RFI, USDA Forest Service and DOI Bureau of Land Management have determined that an extension of the comment period until August 30, 2022, is appropriate.

DATES: The end of the comment period for the document entitled “Request for Information (RFI) on Federal Old-growth and Mature Forests” published July 15, 2022 (87 FR 42493), is extended from August 15, 2022, until August 30, 2022.

ADDRESSES: A webinar was held on Microsoft Teams web conferencing software on July 21, 2022. The webinar was recorded. Webinar presentation materials and the webinar recording, along with other information about this effort are posted to: <https://www.fs.usda.gov/managing-land/old-growth-forests>. Written comments concerning this notice may be submitted electronically to: <https://cara.fs.usda.gov/Public/CommentInput?project=NP-3239>.

FOR FURTHER INFORMATION CONTACT:

Jamie Barbour, Assistant Director, Ecosystem Management Coordination, (503) 708–9138, roy.barbour@usda.gov. (Please include the words “Old Growth” in the subject line of emails concerning this notice). Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the July 15, 2022 RFI (87 FR 42493) is to inform the public and gather feedback on potential future implementation efforts associated with provisions of Executive Order (E.O.) 14072: Strengthening the Nation's Forests, Communities, and Local Economies, issued April 22, 2022. The information received through the RFI

will help to inform the response to E.O. 14072 Section 2(b) specifically, which calls on the Secretaries of Agriculture and the Interior, within one year, to define, identify, and complete an inventory of old-growth and mature forests on Federal lands, accounting for regional and ecological variations, as appropriate, and making the inventory publicly available. The document stated that the comment period would close on August 15, 2022. The USDA Forest Service and DOI Bureau of Land Management have received requests by prospective commenters to extend the comment period. An extension of the comment period will provide additional opportunity for the public to consider the RFI and prepare comments to address the questions posed therein. Therefore, USDA Forest Service and DOI Bureau of Land Management are extending the comment period for the RFI from August 15, 2022, until August 30, 2022.

Christopher French,

Deputy Chief, National Forest System, Forest Service.

Tracy Stone-Manning,

Director, Bureau of Land Management.

[FR Doc. 2022-17447 Filed 8-12-22; 8:45 am]

BILLING CODE 4311-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2021-0036]

Joint Record of Decision for the Final Environmental Impact Statement for the Vineyard Wind 1 Offshore Wind Energy Project; Notice of Availability of Record of Decision Supplements

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of availability; record of decision (ROD) supplements.

SUMMARY: BOEM announces the availability of two supplements to the joint ROD on the final environmental impact statement (FEIS) for the construction and operations plan (COP) submitted by Vineyard Wind 1 LLC (Vineyard Wind 1). The joint ROD included the decisions of the Department of the Interior (DOI), the U.S. Army Corps of Engineers (USACE), and the National Marine Fisheries Service (NMFS) regarding the Vineyard Wind 1 Offshore Wind Energy Project. In the joint ROD, the USACE adopted the FEIS to support its permitting actions under the Rivers and Harbors Act of 1899 (RHA) and Clean Water Act (CWA). The ROD supplements pertain

only to the USACE sections of the joint ROD. They correct clerical errors and clarify a statement. The ROD supplements are available on BOEM's website at <https://www.boem.gov/Vineyard-Wind>.

FOR FURTHER INFORMATION CONTACT:

Jessica Stromberg, Acting Chief, Environment Branch for Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, VAM-OREP Sterling, Virginia 20166, (703) 787-1730, or jessica.stromberg@boem.gov.

SUPPLEMENTARY INFORMATION: Vineyard Wind 1 plans to construct, operate, maintain, and eventually decommission an 800-megawatt wind energy facility on the Outer Continental Shelf offshore Massachusetts (the Project). The Project and associated export cables would be developed within the range of design parameters outlined in the Vineyard Wind 1 COP, subject to applicable mitigation measures. The Project is located approximately 14 miles southeast of Martha's Vineyard and a similar distance southwest of Nantucket. The approved COP allows the installation of up to 84 wind turbine generators (WTGs) and one or two offshore substations or electrical service platforms. The WTGs would be located in water depths ranging from approximately 37 to 49 meters (121 to 161 feet). The approved COP proposed one export cable landfall near the town of Barnstable, Massachusetts, and onshore construction and staging at the New Bedford Marine Commerce Terminal.

As documented in the joint ROD, after carefully considering the FEIS alternatives, including comments from the public on the draft and supplemental EISs, DOI decided to approve the COP for Vineyard Wind 1, NMFS decided to adopt BOEM's FEIS and issue a final incidental harassment authorization to Vineyard Wind 1, and USACE decided to adopt BOEM's FEIS and issue a Department of the Army (DA) permit pursuant to section 404 of the CWA (33 U.S.C. 1344) and section 10 of the RHA (33 U.S.C. 403). The DA permit authorizes Vineyard Wind 1 to discharge fill below the high tide line of waters of the United States and to perform work and place structures below the mean high-water mark of navigable waters of the United States.

Subsequent to the issuance of the joint ROD and prior to the issuance of the DA permit, USACE issued a ROD supplement correcting several clerical errors regarding the Project's offshore export cable corridor length and the total acreage of transmission-cable scour

protection to be authorized under the DA permit.

Following the issuance of the DA permit, USACE issued a second ROD supplement. That supplement corrected a clerical error that had resulted in a portion of USACE's public interest determination being cut off mid-sentence and clarified an incorrect statement in the "General Public Interest Review" section of the USACE portion of the joint ROD.

The USACE portion of the joint ROD included this incorrect statement: "While Vineyard Wind is not authorized to prevent free access to the entire wind development area, due to the placement of the turbines it is likely that the entire 75,614 acre area will be abandoned by commercial fisheries due to difficulties with navigation." The second ROD supplement clarified that this statement was based solely upon comments of interested parties submitted to BOEM during the public comment period for the draft environmental impact statement as summarized in appendix K to the FEIS. The statement was not based upon any separate or independent USACE or other agency evaluation or study. Accordingly, the statement does not represent the USACE position regarding the accessibility of the wind development area to commercial fisheries due to difficulties of navigation that may or may not result from the placement of the WTGs.

Both ROD supplements are available on BOEM's website at <https://www.boem.gov/Vineyard-Wind>.

Authority: 42 U.S.C. 4321 *et seq.*; 40 CFR parts 1500-1508.

William Yancey Brown,

Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2022-17424 Filed 8-12-22; 8:45 am]

BILLING CODE 4340-98-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Audio Players and Components Thereof I, DN 3634*; the Commission is soliciting comments on any public interest issues raised by the

complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT:

Katherine M. Hiner, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Google LLC on August 9, 2022. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 audio players and components thereof. The complainant names as respondent: Sonos, Inc. of Santa Barbara, CA. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders and impose a bond upon respondent's alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3634") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).¹ Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of 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,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 10, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022-17504 Filed 8-12-22; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

entitled *Certain Audio Players and Components Thereof II, DN 3635*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT:

Katherine M. Hiner, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Google LLC on August 9, 2022. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 audio players and components thereof. The complainant names as respondent: Sonos, Inc. of Santa Barbara, CA. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders and impose a bond upon respondent's alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like

or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3634") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).¹ Please note the Secretary's

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of 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,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 10, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022-17506 Filed 8-12-22; 8:45 am]

BILLING CODE 7020-02-P

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

DEPARTMENT OF JUSTICE

[OMB Number 1125–0013]

Agency Information Collection Activities; Proposed eCollection; Comments Requested; Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR–31A)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 14, 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 Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

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 Executive Office for Immigration Review, 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 Collection1. *Type of Information Collection:*

Renewal with change of a currently approved collection.

2. *The Title of the Form/Collection:*

Request by Organization for Accreditation or Renewal Accreditation of Non-Attorney Representative.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form EOIR–31A. The applicable component within the Department of Justice is the Office of Legal Access Programs, Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Non-profit organizations seeking accreditation or renewal of accreditation of its representatives by the Office of Legal Access Programs of the Executive Office for Immigration Review. Abstract: This information collection will allow an organization to seek accreditation or renewal of accreditation of a non-attorney representative to appear before EOIR and/or the Department of Homeland Security. This information collection is necessary to determine whether a representative meets the eligibility requirements for accreditation. Requests can be made using a fillable pdf application or electronic submission.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 550 respondents will complete the form annually for initial accreditation requests, with an average of 3 hours per response, for a total of 1,650 hours. It is estimated that 369 respondents will complete the form annually for renewal requests, with an average of 7 hours per response, for a total of 2,583 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:*

There are an estimated 4,233 total annual burden hours associated with this collection.

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, Suite 3E.206, Washington, DC 20530.

Dated: August 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022–17412 Filed 8–12–22; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0012]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR–31)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 14, 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 Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

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 Executive Office for Immigration Review, 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:* Renewal with change of a currently approved collection.

2. *The Title of the Form/Collection:* Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form EOIR-31. The applicable component within the Department of Justice is the Office of Legal Access Programs, Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Non-profit organizations seeking new recognition, renewal of recognition, or extension of recognition to be recognized as legal service providers by the Office of Legal Access Programs of the Executive Office for Immigration Review (EOIR). Abstract: This information collection will allow an organization to request, renew, and extend recognition of the organization to appear before EOIR and/or the Department of Homeland Security. This information collection is necessary to determine whether an organization meets the eligibility requirements for recognition. Requests can be made using a fillable pdf. application or electronic submission.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 131 respondents will complete the form annually for initial recognition with an average of 2 hours per response, for a total of 262 hours. It is estimated that 190 respondents will complete the form annually for renewal of recognition with an average of 7 hours per response, with a total of 1,330 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,592

total annual burden hours associated with this collection.

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, Suite 3E.206, Washington, DC 20530.

Dated: August 9, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2022-17410 Filed 8-12-22; 8:45 am]

BILLING CODE 4410-30-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Biological Sciences (#11110).

Date and Time: September 13, 2022, 10:00 a.m.–5:00 p.m. Eastern.

September 14, 2022, 10:00 a.m.–2:00 p.m. Eastern.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Hybrid).

The meeting will be held in a hybrid format, with some Advisory Committee members participating in person and others participating virtually. For members of NSF and the external community, livestreaming links will be available through the following page: https://www.nsf.gov/events/eventsumm.jsp?cntn_id=305642&org=NSF.

Type of Meeting: Open.

Contact Persons: Montona Futrell-Griggs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292-7162.

Summary of Minutes: Minutes will be available on the BIO Advisory Committee website at <https://www.nsf.gov/bio/advisory.jsp> or can be obtained from the contact person listed above.

Purpose of Meeting: The Advisory Committee for the Directorate for Biological Sciences (BIO) provides advice and recommendations concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Agenda items will include: a directorate business update; an overview of NSF's new Strategic Plan; discussion of BIO programming relevant

to goals and objectives of the Strategic Plan; updates on reports from Committees of Visitors for the Divisions of Molecular and Cellular Biosciences and Integrative Organismal Systems; update from the Committee on Equal Opportunities in Science and Engineering; discussion with the NSF Director and Chief Operating Officer; and other directorate matters.

Date: August 10, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022-17483 Filed 8-12-22; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: September 15, 2022; 11:00 a.m.–4:00 p.m.

September 16, 2022; 11:00 a.m.–4:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 (Virtual).

Registration for the virtual meeting will be available two weeks prior to the meeting date. Both the agenda and the registration link will be located on the Polar AC website at: <https://www.nsf.gov/geo/opp/advisory.jsp>.

Type of Meeting: Open.

Contact Person: Sara Eckert, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone: (703) 292-7899.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

September 15, 2022; 11:00 a.m.–4:00 p.m. (Virtual)

- Upcoming field seasons and COVID-19
- Subcommittee on Diversity, Equity, and Inclusion
- Subcommittee on Antarctic Research Vessel
- NSF Geoscience Directorate Activities Updates

September 16, 2022; 11:00 a.m.–4:00 p.m. (Virtual)

- International Engagement
- Meeting with the NSF Chief Operating Officer
- NASEM and Polar Research Board
- South Pole Planning
- Polar Community Status
- Polar Partnership

Dated: August 10, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–17484 Filed 8–12–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0210]

Information Collection: Invoice Submissions by Contractors for NRC Contracts/Orders

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, “Invoice Submissions by Contractors for NRC Contracts/Orders.”

DATES: Submit comments by September 14, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0210 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0210.
- **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. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML19050A504. The final supporting statement is available in ADAMS under Accession No. ML22187A282.

- **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.

- **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not

want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “Invoice Submissions by Contractors for NRC Contracts/Orders.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 15, 2022 (87 FR 22583).

1. *The title of the information collection:* Invoice Submissions by Contractors for NRC Contracts/Orders.
2. *OMB approval number:* 3150–0109.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* Contractors.
7. *The estimated number of annual responses:* 710.
8. *The estimated number of annual respondents:* 36.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 1,046.

10. *Abstract:* The Division of Acquisition Management in the Office of Administration at the NRC, provides contractors with an invoice template and instructions for how to properly prepare invoices, for all cost-reimbursement contracts/task orders, to complete via Invoicing Processing Platform.

Dated: August 9, 2022.

For the Nuclear Regulatory Commission.
David C. Cullison,
*NRC Clearance Officer, Office of the Chief
 Information Officer.*

[FR Doc. 2022-17418 Filed 8-12-22; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-025 and 52-026; NRC-
 2008-0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4 Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory
 Commission.

ACTION: Determination of the successful
 completion of inspections, tests, and
 analyses.

SUMMARY: The U.S. Nuclear Regulatory
 Commission (NRC) staff has determined
 that specified inspections, tests, and
 analyses have been successfully
 completed, and that specified
 acceptance criteria are met for the
 Vogtle Electric Generating Plant (VEGP),
 Units 3 and 4.

DATES: Determinations of the successful
 completion of inspections, tests, and
 analyses for VEGP Units 3 and 4 are
 effective on the dates indicated in the
 NRC staff's verification evaluation forms
 for the inspections, tests, analyses, and
 acceptance criteria (ITAAC).

ADDRESSES: Please refer to Docket ID
 NRC-2008-0252 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-2008-0252. 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](https://www.nrc.gov/reading-rm/adams.html). To begin the search, select
 "Begin Web-based ADAMS Search." For
 problems with ADAMS, please contact
 the NRC's Public Document Room (PDR)
 reference staff at 1-800-397-4209, 301-
 415-4737, or by email to

PDR.Resource@nrc.gov. The ADAMS
 accession number for each document
 referenced in this document (if that
 document is available in ADAMS) is
 provided the first time that a document
 is referenced.

- *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:
 Cayetano Santos, Office of Nuclear
 Reactor Regulation, U.S. Nuclear
 Regulatory Commission, Washington,
 DC 20555-0001; telephone: 301-415-
 7270, email: *Cayetano.Santos@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of ITAAC

Southern Nuclear Operating
 Company, Inc. (hereafter called SNC or
 the licensee) has submitted ITAAC
 closure notifications (ICNs) under
 section 52.99(c)(1) of title 10 of the *Code
 of Federal Regulations* (10 CFR),
 informing the NRC that the licensee has
 successfully performed the required
 inspections, tests, and analyses, and that
 the acceptance criteria are met for:

VEGP Unit 3 ITAAC

2.1.02.02a (13), 2.1.02.05a.i (19),
 2.1.02.07b (26), 2.1.02.11a.i (46),
 2.1.02.11b.i (48), 2.1.02.11c.i (51),
 2.1.02.11c.ii (52), 2.1.02.13c (65),
 2.1.03.03 (72), 2.1.03.06.i (75),
 2.1.03.09b (83), 2.1.03.12 (87),
 2.2.01.05.i (98), 2.2.01.06b (103),
 2.2.01.09 (110), 2.2.01.10c (113),
 2.2.01.11a.iv (117), 2.2.02.05a.i (126),
 2.2.02.06b (133), 2.2.02.07b.i (138),
 2.2.02.07f.i (145), 2.2.02.10c (153),
 2.2.03.02a (159), 2.2.03.05a.i (165),
 2.2.03.07b (172), 2.2.03.08c.x (195),
 2.2.03.08c.xiii (198), 2.2.03.10 (206),
 2.2.03.11a.i (207), 2.2.03.11b.i (209),
 2.2.03.11c.i (212), 2.2.03.11c.ii (213),
 2.2.04.05a.i (226), 2.2.04.07b (233),
 2.2.04.12a.iii (250), 2.2.05.05a.i (259),
 2.2.05.06a (263), 2.2.05.07a.i (265),
 2.2.05.07c (270), 2.3.02.06b (296),
 2.3.04.04.ii (331), 2.3.04.10 (337),
 2.3.05.02.i (340), 2.3.06.02a (355),
 2.3.06.07b (368), 2.3.07.06a (399),
 2.3.09.02a (421), 2.3.09.02b (422),
 2.3.09.03.ii (424), 2.3.09.04b (428),
 2.3.10.07a.ii (444), 2.3.11.03b (454),
 2.3.11.03c (455), 2.3.13.06b (467),
 2.3.19.02a (486), 2.3.29.04 (491),

2.4.02.02a (497), 2.4.02.02b (498),
 2.5.01.02a (506), 2.5.02.02.i (522),
 2.5.02.05a (527), 2.5.02.06a.i (529),
 2.5.02.06a.ii (530), 2.5.02.06c.i (532),
 2.5.02.08a.ii (540), 2.5.02.08b.ii (543),
 2.5.02.09d (548), 2.5.03.02 (555),
 2.5.04.02.i (557), 2.5.04.03 (560),
 2.6.01.02.i (579), 2.6.01.03a (582),
 2.6.01.04d (587), 2.6.01.04e (588),
 2.6.02.02a (593), 2.6.02.02b (594),
 2.6.02.02c (595), 2.6.03.02.i (597),
 2.6.03.04a (601), 2.6.03.04c (603),
 2.6.03.04i (609), 2.6.03.07 (616),
 2.6.04.02a (622), 2.6.04.02c (624),
 2.6.05.02.ii (629), 2.6.09.05c (646),
 2.6.09.06 (647), 2.6.09.08 (650),
 2.6.09.13a (652), 2.6.09.13c (654),
 2.6.09.15a (655), C.2.6.09.07 (667),
 C.2.6.09.08a (668), 2.7.01.14 (700),
 2.7.02.03a (703), 2.7.05.02.i (719),
 2.7.06.03.i (726), 3.1.00.03 (735),
 3.2.00.01e (744), 3.2.00.05 (752),
 3.2.00.07 (756), 3.2.00.09 (758),
 3.3.00.02a.i.b (761), 3.3.00.05b (785),
 3.3.00.05c (786), 3.3.00.07aa (789),
 3.3.00.07ab (790), 3.3.00.07ac (791),
 3.3.00.07ba (792), 3.3.00.07bb (793),
 3.3.00.07bc (794), 3.3.00.07c.i.a (795),
 3.3.00.07c.i.b (796), 3.3.00.07c.ii.a (797),
 3.3.00.07c.ii.b (798), 3.3.00.07d.i (799),
 3.3.00.07d.ii.a (800), 3.3.00.07d.ii.b
 (801), 3.3.00.07d.ii.c (802),
 3.3.00.07d.iii.a (803), 3.3.00.07d.iii.b
 (804), 3.3.00.07d.iii.c (805), 3.3.00.08
 (813), 3.3.00.14 (820), 3.3.00.16 (821),
 3.3.00.17 (822), 3.5.00.01.i (823),
 3.5.00.06 (831), E.3.9.01.01.01 (845),
 E.3.9.03.00.02 (848), 2.2.05.09c (877),
 and 2.3.10.11a (878).

VEGP Unit 4 ITAAC

2.1.02.08d.v (36), 2.2.01.07.i (107),
 2.2.01.11a.i (114), 2.2.03.09a.ii (202),
 2.3.04.11 (338), 2.3.10.02a (431),
 2.5.02.08b.i (542), 3.2.00.02 (745),
 3.3.00.02b (770), and 3.3.00.02f (774).

The ITAAC for VEGP Unit 3 are in
 Appendix C of the VEGP Unit 3
 combined license (ADAMS Accession
 No. ML14100A106). The ITAAC for
 VEGP Unit 4 are in Appendix C of the
 VEGP Unit 4 combined license (ADAMS
 Accession No. ML14100A135).

II. Licensee ITAAC Post-Closure Notifications (IPCNs)

Since the last **Federal Register** notice
 of the NRC staff's determinations of
 successful completion of inspections,
 tests, and analyses for VEGP Units 3 and
 4 (87 FR 5866; February 2, 2022), the
 NRC staff has not made additional
 determinations of the successful
 completion of inspections, tests, and
 analyses based on licensee IPCNs
 submitted under 10 CFR 52.99(c)(2).

III. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs and IPCNs.

Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed. The NRC's review process for IPCNs is similar to that for ICNs but focuses on how the licensee addressed the new, material information giving rise to the IPCN.

The NRC staff's determination of the successful completion of these ITAAC for VEGP Unit 3 is final because the NRC has found pursuant to 10 CFR 52.103(g) that the acceptance criteria in the VEGP Unit 3 combined license are met (87 FR 48201; August 8, 2022). As such, the licensee is allowed to operate VEGP Unit 3 in accordance with the terms and conditions of the license. In accordance with 10 CFR 52.103(h), the ITAAC in the VEGP Unit 3 licensee no longer constitute regulatory requirements.

The NRC staff's determination of the successful completion of these ITAAC for VEGP Unit 4 is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not

finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC can be found by selecting the link "ITAAC Status Report" on the NRC's website: <https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html>.

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests, and analyses.

Vogtle Electric Generating Plant Unit 3, Docket No. 5200025

A complete list of the review status for VEGP Unit 3 ITAAC, including the submission date and ADAMS accession number for each ICN and IPCN received, the ADAMS accession number for each VEF, and the ADAMS accession numbers for the inspection reports associated with these specific ITAAC can be found by selecting the link "ITAAC Status Report" at the NRC's website <https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html>.

Vogtle Electric Generating Plant Unit 4, Docket No. 5200026

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS accession number for each ICN and IPCN received, the ADAMS accession number for each VEF, and the ADAMS accession numbers for the inspection reports associated with these specific ITAAC, can be found by selecting the link "ITAAC Status Report" at the NRC's website <https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html>.

Dated: August 9, 2022.

For the Nuclear Regulatory Commission.

Victor E. Hall,

Chief, Vogtle Project Office, Office of Nuclear Reactor Regulation.

[FR Doc. 2022-17421 Filed 8-12-22; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2022-0142]

Report to Congress on Abnormal Occurrences: Fiscal Year 2021, Dissemination of Information

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG-0090, Volume 44, "Report to Congress

on Abnormal Occurrences: Fiscal Year 2021." The report describes those events that the NRC or an Agreement State identified as abnormal occurrences (AOs) during fiscal year (FY) 2021, based on the criteria defined by the Commission. The report describes six events at Agreement State-licensed facilities and two events at NRC-licensed facilities.

DATES: NUREG-0090, Volume 44, is available August 15, 2022.

ADDRESSES: Please refer to Docket ID NRC-2022-0142 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-2022-0142. 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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **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, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Kerstun Norman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5883, email: Kerstun.Norman@nrc.gov.

SUPPLEMENTARY INFORMATION: Section 208 of the Energy Reorganization Act of 1974, as amended (Pub. L. 93-438), defines an "abnormal occurrence" as an

unscheduled incident or event that the NRC determines to be significant from the standpoint of public health or safety. The FY 2021 AO report, NUREG-0090, Volume 44, "Report to Congress on Abnormal Occurrences: Fiscal Year 2021" (ADAMS Accession No. ML22213A019), describes those events that the NRC identified as AOs during FY 2021.

This report describes six events involving Agreement State licensees and two events involving NRC licensees. Seven of the AOs occurred at medical facilities and the other event occurred at the National Institute of Standards and Technology Center for Neutron Research.

The NRC identified no events at NRC-licensed facilities during FY 2021 that met the guidelines for inclusion in Appendix B, "Other Events of Interest."

No events met the guidelines for inclusion in Appendix C, "Updates of Previously Reported Abnormal Occurrences."

Agreement States are the 39 U.S. States that currently have entered into formal agreements with the NRC pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (AEA), to regulate certain quantities of AEA-licensed material at facilities located within their borders.

The Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104-68) requires that AOs be reported to Congress annually. The full report, NUREG-0090, Volume 44, "Report to Congress on Abnormal Occurrences: Fiscal Year 2021," is also available electronically at the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff>.

Dated: August 10, 2022.

For the Nuclear Regulatory Commission.

Brooke P. Clark,

Secretary of the Commission.

[FR Doc. 2022-17471 Filed 8-12-22; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2022-0089]

Information Collection: NRC Form 314 Certificate of Disposition of Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB)

approval for an existing collection of information. The information collection is entitled, "NRC Form 314 Certificate of Disposition of Materials."

DATES: Submit comments by October 14, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0089. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2022-0089 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0089. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2022-0089 on this website.

- *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. A copy of the NRC Forms 314 and related instructions may be obtained without charge by accessing ADAMS Accession No. ML22167A164. The draft supporting statement is available in ADAMS under Accession No. ML22167A161.

- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include NRC-2022-0089 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

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

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 314 Certificate of Disposition of Materials.

2. *OMB approval number:* 3150-0028.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Form 314.

5. *How often the collection is required or requested:* Form is required when NRC licensees wish to terminate their license.

6. *Who will be required or asked to respond:* Respondents are firms, institutions, and individuals holding NRC license to possess and use radioactive materials who do not wish to renew those licenses.

7. *The estimated number of annual responses:* 110.

8. *The estimated number of annual respondents:* 110.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* Each form requires approximately 0.5 hours to prepare. 110 × 0.5 hour = a total for all respondents of 55 hours per year.

10. *Abstract:* NRC Form 314 is submitted by a materials licensee who wishes to terminate its license. The form provides information needed by NRC to determine whether the licensee has radioactive materials on hand which must be transferred or otherwise disposed of prior to expiration or termination of the license.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: August 9, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022-17419 Filed 8-12-22; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Virtual Public Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given that a virtual meeting of the Federal Prevailing Rate Advisory Committee will be held on Thursday, September 15, 2022, as authorized under the Federal Advisory Committee Act. There will be no in-person gathering for this meeting. The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies.

DATES: The virtual meeting will be held on September 15, 2022, beginning at 10:00 a.m. (ET).

ADDRESSES: The meeting will convene virtually.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, 202-606-2858, or email pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: Entitlement to membership on the Federal Prevailing Rate Advisory Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public. Reports for calendar years 2008 to 2020 are posted at <http://www.opm.gov/fprac>. Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal

Prevailing Rate Advisory Committee, Room 7H31, 1900 E Street NW, Washington, DC 20415, (202) 606-2858.

This meeting is open to the public, with an audio option for listening. This notice sets forth the agenda for the meeting and the participation guidelines.

Meeting Agenda. The tentative agenda for this meeting includes the following Federal Wage System items:

- The definition of Monroe County, PA
- The definition of San Joaquin County, CA
- The definition of the Salinas-Monterey, CA, wage area
- The definition of the Puerto Rico wage area

Public Participation: The September 15, 2022, meeting of the Federal Prevailing Rate Advisory Committee is open to the public through advance registration. Public participation is available for the meeting. All individuals who plan to attend the virtual public meeting to listen must register by sending an email to pay-leave-policy@opm.gov with the subject line "September 15 FPRAC Meeting" no later than Tuesday, September 13, 2022.

The following information must be provided when registering:

- Name.
- Agency and duty station.
- Email address.
- Your topic of interest.

Members of the press, in addition to registering for this event, must also RSVP to media@opm.gov by September 13, 2022.

A confirmation email will be sent upon receipt of the registration. Audio teleconference information for participation will be sent to registrants the morning of the virtual meeting.

Office of Personnel Management.

Stephen Hickman,

Federal Register Liaison.

[FR Doc. 2022-17437 Filed 8-12-22; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34667; File No. 812-15348]

Rand Capital Corporation, et al.

August 9, 2022.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of application for an order ("Order") under sections 17(d) and 57(i) of the Investment Company Act of 1940

(the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies (“BDCs”) and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Rand Capital Corporation, Rand Capital Management, LLC, Rand Capital Sub LLC, Callodine Capital Management, LP, Callodine Credit Management, LLC, Callodine Strategic Credit, LLC, Bluearc Mezzanine Partners I, L.P., Callodine Asset Based Loan Fund II, LP, Callodine Perpetual ABL Fund, LP, Callodine Capital Fund, LP, Callodine Capital Offshore Fund, Ltd., Callodine Capital Master Fund, LP, Callodine BDC Income Fund, LP, Callodine Equity Income Fund, LP, Callodine Strategic Credit Fund II, LP, Thorofare, LLC, Thorofare Asset Based Lending Fund IV, L.P., Thorofare Asset Based Lending REIT Fund IV, LLC, Thorofare Asset Based Lending Fund V, L.P. and Thorofare Asset Based Lending REIT Fund V, LLC.

FILING DATES: The application was filed on June 13, 2022, and amended on August 4, 2022.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on September 2, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: James Morrow at [\[callodine.com\]\(mailto:callodine.com\) or Daniel Penberthy at \[dpenberthy@randcapital.com\]\(mailto:dpenberthy@randcapital.com\). Anne G. Oberndorf, Esq., Eversheds Sutherland \(US\) LLP, at \[anneoberndorf@eversheds-sutherland.us\]\(mailto:anneoberndorf@eversheds-sutherland.us\).](mailto:jmorrow@</p>
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FOR FURTHER INFORMATION CONTACT:

Bruce R. MacNeil, Senior Counsel, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ first amended and restated application, dated August 4, 2022, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC’s Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022–17425 Filed 8–12–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, August 18, 2022.

PLACE: The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3),

(a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings;
- Resolution of litigation claims; and
- Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

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

Dated: August 11, 2022.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2022–17571 Filed 8–11–22; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95456; File No. SR–FINRA–2022–023]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Implementation Date of Certain Amendments to FINRA Rule 4210 Approved Pursuant to SR–FINRA–2015–036

August 9, 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 29, 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 17 CFR 240.19b–4(f)(6).

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, to April 24, 2023, the implementation date of the amendments to FINRA Rule 4210 (Margin Requirements) pursuant to SR-FINRA-2015-036, other than the amendments pursuant to SR-FINRA-2015-036 that were implemented on December 15, 2016. 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

On October 6, 2015, FINRA filed with the Commission proposed rule change SR-FINRA-2015-036, which proposed to amend FINRA Rule 4210 to establish margin requirements for (1) To Be Announced ("TBA") transactions, inclusive of adjustable rate mortgage ("ARM") transactions; (2) Specified Pool Transactions; and (3) transactions in Collateralized Mortgage Obligations ("CMOs"), issued in conformity with a program of an agency or Government-Sponsored Enterprise ("GSE"), with forward settlement dates, as defined more fully in the filing (collectively, "Covered Agency Transactions"). The Commission approved SR-FINRA-2015-036 on June 15, 2016 (the "Approval Date").⁴

⁴ See Securities Exchange Act Release No. 78081 (June 15, 2016), 81 FR 40364 (June 21, 2016) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval to a Proposed Rule Change to Amend FINRA Rule 4210 (Margin Requirements) to

Pursuant to Partial Amendment No. 3 to SR-FINRA-2015-036, FINRA announced in *Regulatory Notice* 16-31 that the rule change would become effective on December 15, 2017, 18 months from the Approval Date, except that the risk limit determination requirements as set forth in paragraphs (e)(2)(F), (e)(2)(G) and (e)(2)(H) of Rule 4210 and in new Supplementary Material .05, each as respectively amended or established by SR-FINRA-2015-036 (collectively, the "risk limit determination requirements"), would become effective on December 15, 2016, six months from the Approval Date.⁵

Industry participants sought clarification regarding the implementation of the requirements pursuant to SR-FINRA-2015-036. Industry participants also requested additional time to make system changes necessary to comply with the requirements, including time to test the system changes, and requested additional time to update or amend margining agreements and related documentation. In response, FINRA made available a set of Frequently Asked Questions & Guidance⁶ and, pursuant to SR-FINRA-2017-029,⁷ extended the implementation date of the requirements of SR-FINRA-2015-036 to June 25, 2018, except for the risk limit determination requirements, which, as announced in *Regulatory Notice* 16-31, became effective on December 15, 2016.

Industry participants requested that FINRA reconsider the potential impact of certain requirements pursuant to SR-FINRA-2015-036 on smaller and mid-sized firms. Industry participants also requested that FINRA extend the implementation date pending such

Establish Margin Requirements for the TBA Market, as Modified by Amendment Nos. 1, 2, and 3; File No. SR-FINRA-2015-036).

⁵ See Partial Amendment No. 3 to SR-FINRA-2015-036 and *Regulatory Notice* 16-31 (August 2016), both available at: www.finra.org.

⁶ See Responses to Frequently Asked Questions Regarding Covered Agency Transactions Under FINRA Rule 4210, at: <https://www.finra.org/rules-guidance/guidance/faqs/responses-frequently-asked-questions-regarding-covered-agency-transactions-under-finra-rule>. Further, staff of the SEC's Division of Trading and Markets made available a set of Frequently Asked Questions regarding Exchange Act Rule 15c3-1 and Rule 15c3-3 in connection with Covered Agency Transactions under FINRA Rule 4210, also available at: <https://www.finra.org/rules-guidance/guidance/faqs/responses-frequently-asked-questions-regarding-covered-agency-transactions-under-finra-rule>.

⁷ See Securities Exchange Act Release No. 81722 (September 26, 2017), 82 FR 45915 (October 2, 2017) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Delay the Implementation Date of Certain Amendments to FINRA Rule 4210 Approved Pursuant to SR-FINRA-2015-036; File No. SR-FINRA-2017-029); see also *Regulatory Notice* 17-28 (September 2017).

reconsideration. In response to these concerns, FINRA further extended the implementation date of the requirements of SR-FINRA-2015-036, other than the risk limit determination requirements, most recently to October 26, 2022 (the "October 26, 2022 implementation date"),⁸ and, informed by extensive dialogue, both with industry participants and other regulators, including the staff of the SEC and the Federal Reserve System, FINRA proposed amendments to the requirements of SR-FINRA-2015-036 (the "Proposed Amendments").⁹

The SEC, pursuant to delegated authority, approved the Proposed Amendments on January 20, 2022;¹⁰ however, the Commission has stated that, in accordance with Rule 431(e) of the Commission's Rules of Practice, the delegated action approving the Proposed Amendments is stayed until the Commission orders otherwise (the "stay").¹¹ FINRA believes it is appropriate, in the interest of regulatory clarity pending the stay, to adjust the implementation of the requirements pursuant to SR-FINRA-2015-036. As such, FINRA is proposing to extend the October 26, 2022 implementation date to April 24, 2023. FINRA notes that the stay on the delegated action approving the Proposed Amendments applies only

⁸ See Securities Exchange Act Release No. 94356 (March 3, 2022), 87 FR 13337 (March 9, 2022) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Extend the Implementation Date of Certain Amendments to FINRA Rule 4210 Approved Pursuant to SR-FINRA-2015-036; File No. SR-FINRA-2022-003).

⁹ See Securities Exchange Act Release No. 91937 (May 19, 2021), 86 FR 28161 (May 25, 2021) (Notice of Filing of a Proposed Rule Change to Amend the Requirements for Covered Agency Transactions Under FINRA Rule 4210 (Margin Requirements) as Approved Pursuant to SR-FINRA-2015-036; File No. SR-FINRA-2021-010). See also Partial Amendment No. 1 to SR-FINRA-2021-010, and Letter from Adam Arkel, Associate General Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, SEC, dated September 16, 2021, both available at: www.finra.org.

¹⁰ See Securities Exchange Act Release No. 94013 (January 20, 2022), 87 FR 4076 (January 26, 2022) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Amend the Requirements for Covered Agency Transactions Under FINRA Rule 4210 (Margin Requirements) as Approved Pursuant to SR-FINRA-2015-036).

¹¹ See Letter from J. Matthew DeLesDernier, Assistant Secretary, SEC, to Adam Arkel, Associate General Counsel, FINRA, dated January 27, 2022, available at: sec.gov. See also Securities Exchange Act Release No. 94724 (April 14, 2022), 87 FR 23287 (April 19, 2022) (Order Granting Petition for Review and Scheduling Filing of Statements; In the Matter of Financial Industry Regulatory Authority, Inc. Regarding an Order Granting the Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Requirements for Covered Agency Transactions Under FINRA Rule 4210 (Margin Requirements) as Approved Pursuant to SR-FINRA-2015-036).

to the Proposed Amendments and does not affect the amendments approved pursuant to SR-FINRA-2015-036. FINRA further notes that the risk limit determination requirements pursuant to SR-FINRA-2015-036 became effective on December 15, 2016, and, as such, are not affected by the proposed rule change.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing. The operative date will be the date of filing of the proposed rule change.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,¹² 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 serves the interest of regulatory clarity in the Covered Agency Transaction market pending the stay. FINRA believes that this will thereby protect investors and the public interest by helping to promote stability in the Covered Agency Transaction market.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that extending the October 26, 2022 implementation date to April 24, 2023, pending the stay, will help to provide clarity to industry participants and to promote stability in the Covered Agency Transaction market, thereby benefiting all parties.

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 Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has requested that the Commission waive the 30-day operative delay so that the proposal may become operative upon filing. FINRA has stated that the proposed rule change will help to provide clarity to industry participants and to promote stability in the Covered Agency Transaction market pending further Commission Action on the Proposed Amendments.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal to extend the implementation date of the amendments to Rule 4210 pursuant to SR-FINRA-2015-036 (other than the amendments pursuant to SR-FINRA-2015-036 that were implemented on December 15, 2016) does not raise any new or novel issues and will reduce any potential uncertainty in the Covered Agency Transaction market. Therefore, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.¹⁷

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

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

¹⁷ For purposes 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).

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-FINRA-2022-023 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-2022-023. 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 a.m. and 3 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-2022-023 and should be submitted on or before September 6, 2022.

¹² 15 U.S.C. 78o-3(b)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

J. Matthew DeLesDernier,
Deputy Director.

[FR Doc. 2022-17431 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95457; File No. SR-CboeBZX-2022-041]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 9, 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 August 1, 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, 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

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) proposes to amend its fee schedule. 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 Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (“BZX Equities”) by eliminating the Supplemental Incentive Program under Footnote 1 (Add/Remove Volume Tiers). The Exchange proposes to implement these changes effective August 1, 2022.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the “Act”), to which market participants may direct their order flow. Based on publicly available information,³ no single registered equities exchange has more than 16% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a “Maker-Taker” model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity.

The Exchange’s Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above \$1.00, the Exchange provides a standard rebate of \$0.00160 per share for orders that add liquidity and assesses a fee of \$0.0030 per share for orders that remove liquidity. For orders in securities priced below \$1.00, the Exchange does not provide a rebate or assess a fee for orders that add liquidity and assesses a fee of 0.30% of total dollar value for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with

opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying more stringent criteria.

Supplemental Incentive Program

Pursuant to footnote 1 of the Fee Schedule, the Exchange currently offers three Supplemental Incentive Program tiers—one tier each for Fee Codes B⁴, V,⁵ and Y.⁶ Each tier provides an additional enhanced rebate for Members that add a certain Tape ADAV⁷ as a percentage of that Tape’s TCV.⁸ The Exchange no longer desires to maintain such tiers and therefore proposes to eliminate the Supplemental Program Incentive tiers for Tapes A, B, and C from the fee schedule. The Exchange would rather redirect future resources and funding into other programs and tiers intended to incentivize increased order flow.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ 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

⁴ Orders yielding Fee Code “B” are displayed orders adding liquidity to BZX (Tape B).

⁵ Orders yielding Fee Code “V” are displayed orders adding liquidity to BZX (Tape A).

⁶ Orders yielding Fee Code “Y” are displayed orders adding liquidity to BZX (Tape C).

⁷ “ADAV” means average daily added volume calculated as the number of shares added per day and is calculated on a monthly basis.

⁸ “TCV” means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (June 27, 2022), available at https://markets.cboe.com/us/equities/market_statistics/.

the Section 6(b)(5)¹¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that eliminating the Supplemental Incentive Program under Footnote 1 is reasonable because the Exchange is not required to maintain this program or provide additional rebates. Orders yielding fee codes B, V, or Y have other opportunities to obtain enhanced rebates, such as via the Add Volume Tiers or the Single MPID Investor Tier.¹² The Exchange believes that eliminating the Supplemental Incentive Program is equitable and not unfairly discriminatory because it applies uniformly to all Members. The Exchange also notes that the proposed changes will not adversely impact any Member's ability to qualify for reduced fees or enhanced rebates offered under other tiers.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds. Specifically, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,¹³ including the Exchange,¹⁴ and are reasonable, equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels or liquidity provision and/or growth patterns.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Particularly, the proposed elimination of the Supplemental Incentive Program

does not impose a burden on intramarket competition that is not in furtherance of the Act in that the elimination of the tier applies to all Members equally and all Members will continue to have an opportunity to receive enhanced rebates or reduced fees offered under other tiers. Furthermore, the Exchange believes that the remaining tiers will continue to incentivize Members to submit additional liquidity to the Exchange and to increase their order flow on the Exchange generally, thereby contributing to a deeper and more liquid market and promoting price discovery and market quality on the Exchange to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange believes the proposal to eliminate the Supplemental Incentive Program does not impose a burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from pricing currently offered by the Exchange or pricing offered by other equities exchanges. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% of the market share.¹⁵ Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels

at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce'. . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."¹⁷

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

¹¹ *Id.*

¹² See Choe BZX U.S. Equities Exchange Fee Schedule.

¹³ See Choe EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

¹⁴ See Choe BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

¹⁵ *Supra* note 3.

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-CboeBZX-2022-041 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-2022-041. 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. 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-2022-041, and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17432 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95458; File No. SR-NASDAQ-2022-045]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Equity 7, Section 114(f)

August 9, 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 28, 2022, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Equity 7, Section 114(f) ("Pricing Schedule").

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Equity 7, Section 114(f) applicable to the Designated Liquidity Provider ("DLP")³ Program. The Exchange proposes to amend certain of the market quality metrics ("MQMs") for rebates applicable to DLPs in Nasdaq-listed securities.

The Exchange proposes to amend Equity 7, Section 114(f)(4) to revise the monthly performance criteria related to the specific rebates provided under Equity 7, Section 114(f)(5). Specifically, the Exchange is adding a fifth MQM that concerns auction quality requirements ("Auction Quality Requirements"). In order for a DLP to qualify for a DLP Standard Rebate, it will need to meet 4 of 5 of the Standard MQMs in the assigned exchange-traded product ("ETP") as measured by Nasdaq to qualify for the Standard Rebate (rather than the current 4 of 4 of the Standard MQMs). In order for a DLP to qualify for an Enhanced Rebate, a DLP will need to meet all 5 Enhanced MQMs in the assigned ETP as measured by Nasdaq to qualify for the Enhanced Rebate. The current MQMs are measured on average in the assigned ETP during regular market hours, however, the Auction Quality Requirements will be measured each auction against the metrics set forth below.

The Auction Quality Requirement for the Standard Rebate requires that the auction price must be within 350 basis points (opening) and 100 basis points (closing) of the first reference price within 30 seconds prior to the market open (opening) and within 120 seconds prior to the market close (closing). The Auction Quality Requirement for the Enhanced Rebate requires that the auction price must be within 150 basis points (opening) and 50 basis points (closing) of the first reference price

³ Equity 7, Section 114(f)(2) defines a "Designated Liquidity Provider" or "DLP" as a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A DLP shall be selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. Nasdaq may limit the number of DLPs in a security, or modify a previously established limit, upon prior written notice to members.

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

within 30 seconds prior to the market open (opening) and within 120 seconds prior to the market close (closing). The Exchange believes that the Auction Quality Requirement thresholds for the Standard Rebate outlined above are very achievable for DLPs, while the Auction Quality Requirement thresholds for the Enhanced Rebate outlined above are within reach for most DLPs.

The Exchange also proposes to amend Equity 7, Section 114(f)(4) to revise the monthly performance criteria related to secondary DLPs (“Secondary DLPs”). Specifically, the current MQM says that the Secondary DLP qualifies for Secondary DLP Rebates in ETPs if it meets any 2 of the 4 Enhanced MQMs. This will be revised to say that it must meet 2 of the Enhanced MQMs, excluding the Auction Quality Requirements metric. In essence, this means this MQM will remain unchanged.

Description of the Changes

This proposal amends Equity 7, Section 114(f)(4) for certain of the MQMs tied to the rebates applicable for DLPs in Nasdaq-listed securities. The Exchange believes that these changes will encourage DLPs to monitor orders leading up to the auctions and participate in the auctions for Nasdaq-listed securities. As previously discussed, the revision to the monthly performance criteria related to Secondary DLPs in Equity 7, Section 114(f)(4) is being made simply to maintain the status quo of the MQMs for Secondary DLPs.

Nasdaq is proposing these changes to encourage DLPs to maintain better market quality leading up to and at the time of the opening and closing auctions for Nasdaq-listed securities, as well as to remain competitive with NYSE Arca, Inc. (“Arca”) and Cboe BZX Exchange, Inc. (“Cboe”),⁴ which have both recently added auction quality standards for their DLP equivalents as well.

2. Statutory Basis

The Exchange believes that its proposals are consistent with Section 6(b) of the Act,⁵ in general, and further the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁶ in particular, in that they provide for the equitable allocation of reasonable dues, fees, and other

charges among members and issuers and other persons using its facilities and do not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange also notes that its ETP listing business operates in a highly-competitive market in which market participants, which include both DLPs and ETP issuers, can readily transfer their listings or opt not to participate, respectively, if they deem fee levels, liquidity incentive programs, or any other factor at a particular venue to be insufficient or excessive. The proposed rule change reflects a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange and market participants to enroll and participate as DLPs on the Exchange, which the Exchange believes will enhance market quality in qualified ETPs listed on the Exchange.

Amend Equity 7, Section 114(f)(4) To Revise the Monthly Performance Criteria Related to Specific Rebates Provided Under Equity 7, Section 114(f)(5), and To Address Secondary DLPs

The Exchange believes that amending Equity 7, Section 114(f)(4) to revise the monthly performance criteria related to the specific rebates provided under Equity 7, Section 114(f)(5) by better aligning the behavior required to qualify for rebates with the nature of the rebates provided is reasonable because the Exchange must from time to time assess the effectiveness of the incentives it provides to market participants in return for the beneficial behavior required to receive the incentive.

The MQM will be changed from the current requirement to meet all 4 of 4 of the Standard MQMs to qualify for the Standard Rebate to needing to meet 4 of 5 of the Standard MQMs in the assigned ETP as measured by Nasdaq to qualify for the Standard Rebate. Additionally, the MQM will be changed from the current requirement to meet all 4 of 4 of the Enhanced MQMs to qualify for the Enhanced Rebate to needing to meet all 5 of 5 of the Enhanced MQMs in the assigned ETP as measured by Nasdaq to qualify for the Enhanced Rebate.

The Exchange believes that the Auction Quality Requirements for the Standard Rebate and the Enhanced Rebate, as discussed above, are an equitable allocation and are not unfairly discriminatory because the Exchange believes that the Auction Quality Requirement thresholds for the Standard Rebate are very achievable for DLPs, while the Auction Quality Requirement thresholds for the

Enhanced Rebate are within reach for most DLPs.

The Exchange believes that the proposed revisions to the MQMs for Primary and Secondary DLPs are an equitable allocation and are not unfairly discriminatory because the Exchange will apply the same criteria to all DLPs so that they can qualify for rebates that are available to all qualifying members and that reward meaningful quote quality and liquidity in ETPs. The Exchange also believes that the proposed revisions to the MQMs for Primary and Secondary DLPs are an equitable allocation and are not unfairly discriminatory among Exchange members because any member may become a market maker and take the steps necessary to also become a DLP, including meeting the proposed minimum criteria under Equity 7, Section 114(f)(4).⁷ The DLP Program is limited to Exchange market makers because of their unique role in the markets, including their obligation to provide liquidity in the securities in which they are registered. Thus, the DLP Program is a further extension of the market maker’s role in providing liquidity in specific securities, to the benefit of all market participants.

The Exchange also believes these changes are an equitable allocation and are not unfairly discriminatory because the Exchange is proposing these changes to the DLP Program to encourage DLPs to maintain better market quality leading up to and at the time of the opening and closing auctions for Nasdaq-listed securities, as well as to remain competitive with Arca and Cboe,⁸ which have both recently added auction quality standards for their DLP equivalents as well.

The Exchange believes that its proposal to amend Equity 7, Section 114(f)(4) to address Secondary DLPs is reasonable because it simply maintains the status quo of the MQMs for Secondary DLPs.

The Exchange also believes that amending the DLP Program as proposed is an equitable allocation of rebates and is not unfairly discriminatory because it will allocate its rebates fairly among its market participants (*i.e.*, the Exchange will pay higher rebates to DLPs that meet higher MQMs and will pay DLPs higher fixed rebates for the ETPs with lower ADVs).

⁷ The Exchange will select DLPs based on the factors in Equity 7, Section 114(f)(2).

⁸ *Supra* note 4.

⁴ See Securities and Exchange Act Release No. 92053 (May 27, 2021), 86 FR 29868 (June 3, 2021) (SR-NYSEArca-2021-43); and Securities and Exchange Act Release No. 93616 (Nov. 19, 2021), 86 FR 67524 (Nov. 26, 2021) (SR-CboeBZX-2021-073) [sic].

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b) (5).

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. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem rebates (this includes the related MQMs) or 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 rebates (this includes the related MQMs) and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own rebates (this includes the related MQMs) and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which rebate (this includes the related MQMs) and fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange is proposing to modify certain of the MQMs to qualify for the incentives provided to market makers for participation in the DLP program in an effort to improve the program by providing more targeted measurements to improve and increase market quality in all ETPs.

The Exchange uses incentives, such as the rebates of the DLP program, to incentivize market participants to improve the market. The Exchange must, from time to time, assess the effectiveness of incentives (and related MQMs) and adjust them when they are not as effective as the Exchange believes they could be. Moreover, the Exchange is ultimately limited in the amount of rebates it may offer. The proposed amended MQMs are reflective of such an analysis.

The Exchange notes that participation in the DLP program is entirely voluntary and, to the extent that registered market makers determine that the MQMs and related rebates are not in line with the level of market-improving behavior the Exchange requires, a DLP may elect to deregister as such with no penalty.

The Exchange does not believe that the proposed changes place an unnecessary burden on competition and, in sum, if the changes proposed

herein are unattractive to market makers, it is likely that the Exchange will lose participation in the DLP program as a result. Thus, the Exchange does not believe that the proposal represents a burden on competition among Exchange members, or that the proposal will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and paragraph (f) of Rule 19b-4¹⁰ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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-NASDAQ-2022-045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-NASDAQ-2022-045. This file number should be included on the subject line if email is used. To help the

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2022-045 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17433 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95459; File No. SR-CboeEDGX-2022-035]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 9, 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 August 1, 2022, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f).

(the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Options”) proposes to amend its Fee Schedule. 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/options/regulation/rule_filings/edgx/), 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 Exchange proposes to amend its Fee Schedule to (1) eliminate the Step Up Mechanism (“SUM”) Auction Pricing Tier and (2) modify the Automated Improvement Mechanism (“AIM”) Tier 2, effective August 1, 2022.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 17% of the market share and currently the Exchange represents only

approximately 7% of the market share.³ Thus, in such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange’s transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange’s Fees Schedule sets forth standard rebates and rates applied per contract. For example, the Exchange provides standard rebates ranging from \$0.01 up to \$0.21 per contract for Customer orders in both Penny and Non-Penny Securities. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

For example, the Exchange currently offers two tiers related to Customer volume under proposed footnote 9 (Automated Improvement Mechanism (“AIM”) Tier) applicable to orders yielding fee code “BC”, which fee code is appended to Customer Agency orders executed in AIM. Orders yielding fee code BC are currently provided a standard rebate of \$0.06 per contract. The AIM Tiers currently provide enhanced rebates between \$0.11 and \$0.14 per contract for qualifying orders that yield fee code BC where a Member meets the respective tier’s volume threshold. Under AIM Tier 2, a Member will receive an enhanced rebate of \$0.14 per contract on such orders where it has an ADV⁴ in Customer orders greater than or equal to 0.50% of average OCV.⁵

³ See Cboe Global Markets U.S. Options Market Monthly Volume Summary (July 27, 2022), available at https://markets.cboe.com/us/options/market_statistics/.

⁴ “ADV” means average daily volume calculated as the number of contracts added or removed, combined, per day. ADV is calculated on a monthly basis. See Cboe EDGX Options Exchange Fee Schedule.

⁵ “OCV” means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (“OCC”) for the

The Exchange now proposes to reduce the enhanced rebate amount under AIM Tier 2 from \$0.14 per contract to \$0.12 per contract.

The Exchange also offers Members an opportunity to receive an additional rebate under footnote 3 of the Fee Schedule (Step Up Mechanism (“SUM”) Auction Pricing Tier). Under the SUM Response Tier, the Exchange provides an additional rebate of \$0.05 per contract for any order submitted in response to, and executed against, an order subject to the SUM Auction.⁶ The Exchange no longer wishes to maintain this rebate and proposes to eliminate the SUM Auction Pricing Tier from the Fee Schedule (and eliminate corresponding references to footnote 3 in the Fee Codes and Associated Fees table). Further, the Exchange would rather redirect future resources and funding into other programs and tiers intended to incentivize increased order flow.

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.⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ 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)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can

month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. See Cboe EDGX Options Exchange Fee Schedule.

⁶ Applicable to orders yielding fee codes: NB, NC, NF, NM, NN, NO, NP, NT, PB, PC, PF, PM, PN, PO, PP and PT.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

The Exchange believes the proposed reduction in rebate amount under AIM Tier 2 for orders yielding fee code BC is reasonable, equitable, and not unfairly discriminatory. The Exchange believes that the proposed change to AIM Tier 2 is reasonable because it continues to provide an enhanced rebate (albeit at a lower amount), which the Exchange believes is still commensurate with the current criteria. The proposed rule change is equitable and unfairly discriminatory as the amended rebate amount applies uniformly to all Members' respective qualifying Customer orders. The Exchange believes that AIM Tier 2 continues to benefit all Members by contributing towards a robust and well-balanced market ecosystem. Indeed, the Exchange believes AIM Tier 2 will continue to incentivize increased Customer order flow and overall order flow to the Exchange's Book, which creates more trading opportunities, which, in turn attracts Market-Makers. A resulting increase in Market-Maker activity may facilitate tighter spreads, which may lead to an additional increase of order flow from other market participants. Increased overall order flow benefits all investors by deepening the Exchange's liquidity pool, potentially providing even greater execution incentives and opportunities, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency, and improving investor protection.

The Exchange believes that eliminating the SUM Auction Pricing Tier under Footnote 3 is reasonable because the Exchange is not required to maintain this program or provide additional rebates. Members may still have other opportunities to obtain enhanced rebates, such as via the Customer Volume Tiers or Market-Maker Volume Tiers.¹⁰ The Exchange believes that eliminating the SUM Auction Pricing Tier is equitable and not unfairly discriminatory because it applies uniformly to all Members. The Exchange also notes that the proposed

changes will not adversely impact any Member's ability to otherwise qualify for reduced fees or enhanced rebates offered under other tiers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Indeed, the Exchange notes the proposed change to AIM Tier 2 will apply to all Members equally in that all Members will continue to be eligible for AIM Tier 2, have a reasonable opportunity to meet the tier's criteria and receive the enhanced rebate (albeit at a slightly lower amount) on their qualifying orders if such criteria is met. Also, as stated above, the proposal to eliminate the SUM Auction Pricing Tier will also apply to all Members, in that, such Tier will not be available for any Member. The Exchange does not believe the proposed changes burden competition as all Members will continue to have an opportunity receive enhanced rebates or reduced fees offered under various tiers, including AIM Tier 2, which tiers are generally designed to increase the competitiveness of EDGX and attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

The Exchange also believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues they may participate on and direct their order flow, including 15 other options exchanges. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 17% of the market share. Therefore, no exchange possesses significant pricing

power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchanges if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange believes that the proposed fee changes are comparable to that of other exchanges offering similar functionality. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies." The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .". Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such

¹⁰ See Cboe EDGX Options Fees Schedule, Footnotes 1 and 2.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

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 will 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-CboeEDGX-2022-035 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-CboeEDGX-2022-035. 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. 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-CboeEDGX-2022-035, and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17434 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95460; File No. SR-LTSE-2022-04]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Temporary Reduction in the Annual Listing Fee

August 9, 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 27, 2022, Long-Term Stock Exchange, Inc. ("LTSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

LTSE proposes a rule change to: (i) amend the Annual Listing Fee applicable for Companies renewing their listing for calendar year 2023, and (ii) make a minor clarifying change to the Initial Listing Fee provisions.

The text of the proposed rule change is available at the Exchange's website at <https://longtermstockexchange.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 on the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is filing this proposed rule change to amend Rule 14.601 to reduce the Annual Listing Fee for any listed Company³ renewing its listing for calendar year 2023 by 40 percent in light of the recent market dislocation. The Initial Listing Fees would remain at their current levels.⁴

a. Annual Listing Fee

Upon listing its Primary Equity Securities on LTSE, a Company is assessed an Initial Listing Fee in accordance with LTSE Rule 14.601(a)(1). The amount of the Initial Listing Fee is set forth in the fee schedule in LTSE Rule 14.601(a)(3) and is based on the market capitalization of the Company when it lists on the Exchange.⁵

For each subsequent year that a Company remains listed on the Exchange, it is assessed an Annual Listing Fee. The Annual Listing Fee for a Company's Primary Equity Securities also is based on the Company's market capitalization. Specifically, the Annual Listing Fee for an upcoming calendar year is calculated on December 1 (or such date of listing if after December 1), and is based on the company's Form 10-Q and Form 10-K filings over the prior four fiscal quarters. Thus, the Annual Listing Fee is calculated from filings covering the fourth quarter of the prior calendar year and the first three quarters of the current calendar year. Where a Company does not have Form 10-Q and Form 10-K filings for the prior four fiscal quarters, its Annual Listing Fee is calculated in the same manner as its Initial Listing Fee (but not

³ Capitalized terms shall have the meaning provided in the LTSE Rule Book. See e.g., LTSE Rule 14.002(a)(8) [sic] (definition of "Company").

⁴ A Company that lists on the Exchange is assessed an Initial Listing Fee at the time it lists, which covers the period from date of listing until the end of the calendar year. The Annual Listing Fee is assessed on a Company for remaining listed on the Exchange in a subsequent year.

⁵ The Initial Listing Fee is prorated based on the number of trading days in the year remaining at the time of a Company's initial listing. See LTSE Rule 14.601(a)(1)(iv).

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

at the prorated level).⁶ The Annual Listing Fee is not refunded if a company is delisted or elects to delist during the calendar year.⁷

In light of the recent market dislocation as discussed below, LTSE is reducing its Annual Listing Fee by 40 percent for any listed Company renewing its listing for calendar year 2023. This fee reduction will apply only to a Company that will be assessed an Annual Listing Fee in 2022 for purposes of remaining listed on LTSE for calendar year 2023.⁸ The 40 percent reduction applies only to the Annual Listing Fee; the Initial Listing Fee remains unchanged. Additionally, the reduction in the Annual Listing Fee pursuant to the proposed rule change is applicable only for an Annual Listing Fee assessed in 2022 for purposes of remaining listed on LTSE for calendar year 2023.

To better reflect the temporary divergence in the Initial Listing Fee and Annual Listing Fee, LTSE is creating two separate fee schedules.⁹

The Exchange believes that it is reasonable and appropriate to temporarily reduce the Annual Listing Fee in light of the recent significant market dislocation. The broad-based market dislocation in the first half of 2022 has led stocks to some of their largest declines in many decades.¹⁰ Although these market-wide dislocations are in many cases unrelated to the long-term fundamentals of a company, their impact to Companies in the short-term is real. The Exchange is designed to support Companies in realizing their success over the long-term, and the temporary reduction in the Annual Listing Fee recognizes the pressures created by current market conditions.¹¹ Additionally, inasmuch as the market for listings is highly

competitive, the Exchange believes that a temporary reduction in Annual Listing Fees is appropriate to signal its commitment to those Companies that have listed on the Exchange or long-term focused Companies that may do so later this year under the current macroeconomic climate.

The Exchange does not believe that the proposed temporary reduction in its Annual Listing Fee will have any adverse impact on the amount of funds available for its regulatory program.

b. Initial Listing Fee

In addition, the proposed rule change would make a minor clarifying change to paragraph (a)(1)(iv) to provide that the reference to prorating the Initial Listing Fee is based on the number of remaining trading days after listing on the Exchange in that calendar year. Since the Initial Listing Fee covers only the calendar year in which a Company initially lists on the Exchange, the phrase “remaining trading days after listing on the Exchange” was always intended to refer to the number of remaining trading days in the calendar year of listing; the proposed rule change now makes that explicit.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act¹² in general, and furthers the objectives of Section 6(b)(4) of the Act¹³ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act¹⁴ because it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the temporary reduction of the Annual Listing Fee for remaining listed on the Exchange for calendar year 2023 represents an equitable allocation of

charges among issuers and is not unfairly discriminatory in that it applies a consistent 40% fee reduction to the Annual Listing Fee for all Companies listed on the Exchange, or any company that becomes listed on the Exchange in 2022, which will then be assessed an Annual Listing Fee in 2022 to remain listed in calendar year 2023. LTSE further believes that the proposed rule change is reasonable and appropriate in view of the highly competitive market for listings and the disruptions faced by Companies as a result of the recent market dislocation. The benefits to a Company, its shareholders and stakeholders from pursuing long-term value creation were discussed extensively in the background and rationale for LTSE’s Long-Term Policies.¹⁵ While LTSE believes that the current environment reinforces the importance for a Company to demonstrate its commitment to long-termism and the Long-Term Policies set forth in Rule 14.425, the Exchange believes that a temporary reduction in the Annual Listing Fee is reasonable and appropriate in the current environment where companies have resource constraints.¹⁶ As noted above, the proposed rule change applies the reduction to the Annual Listing Fee to all Companies who will be charged such fee to remain listed on the Exchange in 2023.

Additionally, the Exchange operates in a highly competitive market for the listing of Primary Equity Securities. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. A temporary reduction in Annual Listing Fee contributes to the competitive marketplace. The Exchange believes therefore that the proposed rule change supports an open market and the national market system, and is consistent with the public interest.

Finally, the Exchange believes that the proposed clarifying text regarding the Initial Listing Fees is consistent with Section 6(b)(5) of the Act in that it merely clarifies the meaning of an existing rule, with further clarity being in the public interest.

¹⁵ See Securities Exchange Act Release No. 86327 (July 8, 2019), 84 FR 33293 (July 12, 2019).

¹⁶ The Exchange considered, but ultimately decided against, proposing a similar, temporary reduction in the Initial Listing Fees. Because any Company that lists on LTSE this year would receive the benefit of the reduced Annual Listing Fee for remaining listed on the Exchange in 2023, it was decided that amending the Initial Listing Fees, which are also already prorated, was unnecessary.

⁶ LTSE Rule 14.601(a)(2)(i).

⁷ LTSE Rule 14.601(a)(2)(ii).

⁸ Likewise, all Companies who will be assessed an Annual Listing Fee in December 2023 for remaining listed on the Exchange in 2024 will do so in accordance with the same fee schedule. This is a one time reduction and does not carry forward to listed Companies in subsequent years.

⁹ See Rule 14.602(a)(3)(i) covering the Initial Listing Fee, and Rule 14.602(a)(3)(ii) covering the Annual Listing Fee.

¹⁰ Akuna Otani, *Markets Post Worst First Half of a Year in Over Five Decades*, Wall Street Journal (June 30, 2022), <https://www.wsj.com/articles/markets-head-toward-worst-start-to-a-year-in-decades-11656551051>.

¹¹ See, e.g., Martin Alvarez, *The Canary in the Capital Markets’ Coal Mine: Protecting Long-Term Strategy*, Medium (May 16, 2022) https://medium.com/@martin_46598/the-canary-in-the-capital-markets-coal-mine-protecting-long-term-strategy-62c5044bcd7; Martin Alvarez, *Fasten your Seatbelts: The Fed and the Art of Economic Cycle Maintenance*, Medium (June 27, 2022) https://medium.com/@martin_46598/fasten-your-seatbelts-the-fed-and-the-art-of-economic-cycle-maintenance-ff669b8781b3.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4).

¹⁴ 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

LTSE does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would establish a temporary reduction in the Annual Listing Fee.

The market for listing services is highly competitive. Each listing exchange has established a fee schedule that applies to issuers seeking to list securities, or keep their securities listed, on its exchange. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed rule change imposes a burden on competition.

Intramarket Competition. The proposed rule change would establish a temporarily-reduced Annual Listing Fee that will be charged to all Companies listed on LTSE on the same basis. The Exchange does not believe that the proposed temporary fee change will have any meaningful effect on the competition among issuers listed on the Exchange. Again, the reduced Annual Listing Fee is available for all Companies that are listed on LTSE in calendar year 2022 for purposes of remaining listed for calendar year 2023.

Intermarket Competition. The Exchange operates in a highly competitive market in which issuers can readily choose to list securities on other exchanges and transfer listings to other exchanges if they deem fee levels at those other venues to be more favorable. Consequently, the Exchange does not believe the proposed rule change will impose any burden on intermarket competition in a manner that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange also notes that other listing venues adjust their fees from time to time.¹⁷

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.

¹⁷ See, e.g., Securities Exchange Act Release No. 90519 (November 25, 2020), 85 FR 77324 (December 1, 2020) (Nasdaq's Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Certain Annual Listing Fees).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposal has become effective pursuant to section 19(b)(3)(A)(ii) of the Act,¹⁸ and Rule 19b-4(f)(2)¹⁹ thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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-LTSE-2022-04 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-LTSE-2022-04. 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

¹⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁹ 17 CFR 240.19b-4(f)(2).

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-LTSE-2022-04 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17435 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95446; File No. SR-BOX-2022-19]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Article 4 of the Exchange's Bylaws To Establish a Staggered Board

August 9, 2022.

On June 17, 2022, BOX Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Article 4 of the Exchange's Bylaws to establish a staggered Board. The proposed rule change was published for comment in the **Federal Register** on July 6, 2022.³ The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act⁴ 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

²⁰ 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. 95174 (June 29, 2022), 87 FR 40321.

⁴ 15 U.S.C. 78s(b)(2).

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 for this filing is August 20, 2022.

The Commission is extending the 45-day time 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 the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designates October 4, 2022, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-BOX-2022-19).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-17426 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95454; File No. SR-FINRA-2022-022]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Technical and Other Non-Substantive Changes Within FINRA Rules

August 9, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on, 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, II, and III 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 Exchange 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 make technical and other non-substantive changes within 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

On May 18, 2022, the SEC announced the immediate effectiveness of amendments to the Code of Arbitration Procedure for Industry Disputes (“Industry Code”) to permit persons with sexual assault claims and sexual harassment claims to elect not to enforce predispute arbitration agreements in cases that relate to those disputes.⁴ The rule change, File No. SR-FINRA-2022-012, aligned FINRA rules with the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (“Act”).⁵

In File No. SR-FINRA-2022-012, FINRA amended FINRA Rule 13201 to provide, among other things, that sexual assault claims and sexual harassment claims would be administered in the forum under FINRA Rule 13802.⁶

⁴ See Securities Exchange Act Release No. 94942 (May 18, 2022), 87 FR 31592 (May 24, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2022-012).

⁵ Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, Public Law 117-90, 136 Stat. 26 (2022).

⁶ FINRA Rule 13802 sets forth requirements as to the number of arbitrators on the panel, the

composition of the panel, the filing fee, the relief available, and the availability of attorneys’ fees for such claims.

FINRA amended FINRA Rule 13802 to add the terms “sexual assault claim” and “sexual harassment claim” to the title and throughout the rule to clarify that it applies to these types of claims. However, File No. SR-FINRA-2022-012 did not include these terms in paragraph (d) of FINRA Rule 13802. The proposed rule change would add references to “sexual assault” and “sexual harassment” to conform paragraph (d) with the rest of the provisions in FINRA Rule 13802.⁷

In addition, the proposed rule change would make technical, non-substantive changes to the Industry Code and the Code of Arbitration Procedure for Customer Disputes (“Customer Code”). The proposed rule change would update FINRA Rules 12100(aa) and 13100(x) by correcting a typographical error in the name of the Commodities Future Trading Commission, from “Commodities” to “Commodity.” The proposed rule change also would update FINRA Rules 12301(b) and 13301(b) by deleting a duplicate word, the second “the” in the first sentence of these rules. In addition, the proposed rule change would update FINRA Rule 13303(b) to insert a phrase that was inadvertently omitted. Under FINRA Rule 13303(b), when a third party is added to a claim, the respondent must serve the party with the answer and all documents previously served by any party or sent to the parties by the Director of FINRA Dispute Resolution Services. The current rule inadvertently omits “parties by the” in the second sentence. Thus, the proposed rule change would insert this phrase for clarity and consistency with other FINRA rules.

Finally, FINRA would update the citation in FINRA Rule 5122(c)(12) for the definition of “commodity pool operator” under the Commodity Exchange Act from Section 1a(5) to Section 1a(11) to reflect the reorganization of the defined terms in the Commodity Exchange Act.⁸

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.

⁷ The proposed rule change would apply to all members, including members that are funding portals or have elected to be treated as capital acquisition brokers (“CABs”), given that the funding portal and CAB rule sets incorporate the impacted FINRA rules by reference.

⁸ 7 U.S.C. 1a.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Exchange Act,⁹ 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 will provide greater clarity to members and the public regarding FINRA rules by conforming paragraph (d) of FINRA Rule 13802 with the rest of the provisions in current FINRA Rule 13802 and by making technical updates to FINRA Rule 5122 and provisions of the Industry and Customer Codes.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change brings clarity and consistency to FINRA rules without adding any burden on firms.

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 Exchange Act¹⁰ and Rule 19b-4(f)(6) thereunder.¹¹

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 Exchange 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 Exchange 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-2022-022 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-2022-022. 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 a.m. and 3 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-2022-022 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17429 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95452; File No. SR-FINRA-2022-021]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Adopt Supplementary Material .18 (Remote Inspections Pilot Program) Under FINRA Rule 3110 (Supervision)

August 9, 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 28, 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, II, and III below, which Items have been prepared by FINRA. 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 amend FINRA Rule 3110 (Supervision) to adopt a voluntary, three-year remote inspection pilot program to allow member firms to elect to fulfill their obligation under Rule 3110(c) (Internal Inspections) by conducting inspections of some or all branch offices and locations remotely without an on-site visit to such office or location, subject to specified terms.

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

⁹ 15 U.S.C. 78o-3(b)(6).

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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

Beginning many years ago, SEC staff and FINRA have interpreted FINRA rules to require member firms to conduct on-site inspections of branch offices and unregistered offices (*i.e.*, non-branch locations) in accordance with the periodic schedule described under Rule 3110(c)(1).³ Over the years, widespread advancements in technology and communications in the financial industry have significantly changed the way in which members and their associated persons conduct their business and communicate, including the practices that formed the original bases for an on-site inspection requirement. For example, making and preserving records electronically have increasingly become the norm and the preferred recordkeeping medium rather than paper (*e.g.*, cloud based storage); communications between and among members, their associated persons and customers commonly take place through email, video or some other electronic means (*e.g.*, WebEx, Zoom) that can be monitored electronically by firms; processes for opening customer accounts and placing trades are moving to online platforms; and customer funds and securities are frequently and increasingly transmitted electronically rather than in physical form (*e.g.*, Venmo, Zelle). Relatedly, the challenges in supervising associated persons who work in outlying offices or locations have been mitigated over the years with

the prevalent and effective use of technology. For example, supervisory reviews for outside business activities of associated persons are often conducted through general internet searches, including social media and online public records, and by reviewing electronic communications and customer fund transfers. Similarly, reviews of correspondence, customer funds and securities, and order flows are accomplished primarily through the use of electronic tracking programs or applications.

FINRA notes that firms are turning to new and innovative regulatory tools such as artificial intelligence, natural language processing, and robotics process automation, among others, to strengthen their compliance programs.⁴ More recently, firms have questioned the benefits of the on-site inspection requirement for all offices, particularly in light of these significant technological advances that have enhanced the effectiveness of a firm's overall and ongoing supervision and monitoring of the activities occurring at their offices (registered and unregistered).⁵

The COVID-19 pandemic has accelerated the use of a wide variety of compliance and workplace technology as many government and private employers, including member firms, were driven to adopt a broad remote work environment by quickly moving their employees out of their usual office setting to an alternative worksite such as a private residence. Insights obtained from member firms and other industry representatives through various pandemic-related initiatives and other industry outreach have led FINRA to carefully consider whether some processes and rules, including the manner in which a firm may satisfy its Rule 3110(c) obligations, should be modernized.⁶ Technological

improvements and developments in regulatory compliance have provided more tools than before to create more effective and efficient compliance programs. To that end, FINRA believes that regulatory models should evolve to benefit from the availability and use of effective technology tools. With the confluence of advances in compliance technology and the permanent shift to a remote or hybrid work environment, made more pronounced by the pandemic, FINRA believes that the optimal use of on-site inspections deserves further consideration.

To address the operational challenges in conducting on-site inspections during the pandemic, FINRA adopted temporary Rule 3110.17, effective since November 2020, to provide member firms the option to conduct inspections of their branch offices and non-branch locations remotely, subject to specified terms therein.⁷ Although uncertainty about the pandemic remains, firms are beginning to look ahead at the post-pandemic changes to their workplaces, including more flexible work hours and hybrid work models—working sometimes on-site in a conventional office setting and other times remotely in a private residence or other alternative worksite. As such, FINRA believes now is the time to assess possible longer-term rule changes and is, therefore, proposing a voluntary, three-year remote inspections pilot program. This program would provide FINRA with specific, structured data from member firm pilot participants to evaluate their experiences—positive and negative—and inspection findings. This data would enable FINRA to

business continuity planning, guidance and regulatory relief to member firms from some requirements, including the temporary suspension of the requirement to maintain updated information on Form U4 (Uniform Application for Securities Industry Registration or Transfer) and submit Form BR (Uniform Branch Office Registration Form) for temporary locations; 20-16 (May 2020) (“*Notice 20-16*”), describing practices implemented by firms to transition to, and supervise in, remote work environment during the COVID-19 pandemic; 20-42 (December 2020) (“*Notice 20-42*”), seeking comment on lessons from the pandemic; and 21-44 (December 2021) (“*Notice 21-44*”), regarding business continuity planning and lessons from the pandemic, <https://www.finra.org/rules-guidance/key-topics/covid-19>. See also SEC Press Release 2022-112 (June 22, 2022) for the Spring 2022 Regulatory Agenda (quoting SEC Chair Gary Gensler: “When I think about the SEC’s agenda, I’m driven by two public policy goals: continuing to drive efficiency in our capital markets and modernizing our rules for today’s economy and technologies.”), https://www.sec.gov/news/press-release/2022-112?utm_medium=email&utm_source=govdelivery.

⁷ See Securities Exchange Act Release No. 90454 (November 18, 2020), 85 FR 75097 (November 24, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2020-040).

³ See SEC National Examination Risk Alert, Volume I, Issue 2 (November 30, 2011), <https://www.sec.gov/about/offices/ocie/riskalert-bdbranchinspections.pdf> and *Regulatory Notice 11-54* (November 2011) (“*Notice 11-54*”) (joint SEC and FINRA guidance stating, a “broker-dealer must conduct on-site inspections of each of its office locations; [Office of Supervisory Jurisdiction (“OSJ”)] and non-OSJ branches that supervise non-branch locations at least annually, all non-supervising branch offices at least every three years; and non-branch offices periodically.”). See also SEC Division of Market Regulation, Staff Legal Bulletin No. 17: Remote Office Supervision (March 19, 2004) (“*SLB 17*”) (stating, in part, that broker-dealers that conduct business through geographically dispersed offices have not adequately discharged their supervisory obligations where there are no on-site routine or “for cause” inspections of those offices), <https://www.sec.gov/interp/legal/mrslb17.htm>.

⁴ See generally FINRA White Paper, Technology Based Innovations for Regulatory Compliance (“*RegTech*”) on the Securities Industry (September 2018), https://www.finra.org/sites/default/files/2018_RegTech_Report.pdf.

⁵ Some firms have indicated, for example, that technology has enhanced real time monitoring of their associated persons by providing the ability for firm compliance personnel to join, on an ad hoc basis, digital or virtual meetings occurring between the firm’s associated persons and customers. Firms have also indicated that technology has allowed them to impose various restrictions or limitations on associated persons, such as the ability to print firm records from remote locations using a firm-issued laptop, and only accepting electronic payments from customers.

⁶ See generally FINRA’s Key Topic: COVID-19/ Coronavirus (referencing, among other things, Frequency Asked Questions, temporary amendments to FINRA rules, and *Regulatory Notices* such as *Regulatory Notices 20-08* (March 2020) (“*Notice 20-08*”), regarding pandemic-related

systematically assess the overall impact on firms' supervisory systems, which has not been feasible with information drawn from the pandemic-related office shutdowns. Moreover, the proposed pilot program would maintain effective supervision by firms through firms' ongoing supervisory obligations under Rule 3110, and the proposed limitations on the firms and locations that would be eligible to participate in the proposed pilot program.

The Inspection Requirement Under Rule 3110

The responsibility of firms to supervise their associated persons is a critical component of broker-dealer regulation.⁸ Member firms must supervise all of their associated persons, regardless of their location, compensation or employment arrangement, or registration status.⁹ Rule 3110 requires a member, regardless of size or type, to have a supervisory system for the activities of its associated persons that is reasonably designed to achieve compliance with the applicable securities laws and regulations and FINRA rules, and sets forth the minimum requirements for such supervisory system.¹⁰

As part of that supervisory system, Rule 3110(c) requires a member to review, at least annually, the businesses in which it engages for purposes of detecting and preventing violations of, and achieving compliance with, applicable securities laws and regulations. The review must include periodic inspections of each office and

examination of customer accounts to detect and prevent irregularities and abuses. The inspection requirement is a longstanding supervisory obligation that in its early form had addressed the inspection requirement for an OSJ only.¹¹ FINRA expanded the inspection requirement to cover branch offices out of concern for the potential regulatory problems that could emerge when a registered person, situated in an office other than an OSJ, was engaging in securities-related activities without the direct oversight of qualified supervisory personnel and without an annual inspection.¹²

Currently, Rule 3110(c) sets forth three main requirements for conducting internal inspections. First, an inspection of an office or location must occur on a designated frequency. The periodicity of the required inspection varies depending on the classification of the location or the nature of the activities that take place: OSJs and supervisory branch offices must be inspected at least annually;¹³ non-supervisory branch offices, at least every three years;¹⁴ and non-branch locations, on a periodic schedule, presumed to be at least every three years.¹⁵ Second, a member must retain a written record of the date upon which each review and inspection occurred, reduce a location's inspection to a written report and keep each inspection report on file either for a minimum of three years or, if the location's inspection schedule is longer than three years, until the next inspection report has been written.¹⁶ If applicable to the location being inspected, the inspection report must include the testing and verification of the member's policies and procedures, including supervisory policies and procedures, in specified areas.¹⁷ Third,

to prevent compromising the effectiveness of inspections due to conflicts of interest, the rule requires a member to ensure that the person conducting the inspection is not an associated person assigned to the location or is not directly or indirectly supervised by, or otherwise reporting to, an associated person assigned to that location.¹⁸ All branch offices and non-branch locations are subject to Rule 3110(c).

Further, Rule 3110.12 (Standards for Reasonable Review) sets out factors that constitute a reasonable review. This provision emphasizes establishing reasonable supervisory procedures and conducting reviews of locations, taking into consideration, among other things, the member's size, organizational structure, scope of business activities, number and location of the member's offices, the nature and complexity of the products and services offered by the member, the volume of business done, the number of associated persons assigned to a location, the disciplinary history of registered representatives or associated persons, and any indicators of irregularities or misconduct (*i.e.*, "red flags").¹⁹ The provision further states

and procedures, including supervisory policies and procedures for: (1) safeguarding of customer funds and securities; (2) maintaining books and records; (3) supervision of supervisory personnel; (4) transmittals of funds from customers to third party accounts, from customer accounts to outside entities, from customer accounts to locations other than a customer's primary residence, and between customers and registered representatives, including the hand delivery of checks; and (5) changes of customer account information, including address and investment objectives changes, and validation of such changes).

¹⁸ Rule 3110(c)(3) provides a limited exception from this requirement if a firm determines compliance is not possible either because of the firm's size or its business model. Rule 3110.14 (Exception to Persons Prohibited from Conducting Inspections) reflects FINRA's expectation that a firm generally will rely on the exception in instances where the firm has only one office or has a business model where small or single-person offices report directly to an OSJ manager who is also considered the offices' branch office manager. However, these situations are non-exclusive, and a firm may still rely on the exception in other instances where it cannot comply because of its size or business model, provided the firm complies with the documentation requirements under the rule.

¹⁹ Red flags that suggest the existence or occurrence of violations, prompting an unannounced visit, may include: customer complaints; a large number of elderly customers; a concentration in highly illiquid or risky investments; an unexplained increase or change in the types of investments or trading concentration that a representative is recommending or trading; an unexpected improvement in a representative's production, lifestyle, or wealth; questionable or frequent transfers of cash or securities between customer or third party accounts, or to or from the representative; a representative that serves as a power of attorney, trustee or in a similar capacity for a customer or has discretionary control over a customer's account(s); representative with

⁸ See SLB 17, *supra* note 3; see also Notice 11–54 and Notice to Members 98–38 (May 1998) ("Notice 98–38").

⁹ This obligation is derived from Sections 15(b)(4)(E) and 15(b)(6)(A) of the Exchange Act. Section 15(b)(4)(E) provides that the "Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding twelve months, or revoke the registration of any broker or dealer if it finds . . . that such broker or dealer . . . or any person associated with such broker or dealer . . . has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, [the Securities Exchange Act of 1934], the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board, or has failed reasonably to supervise, with a view to preventing violations of the provisions of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision." 15 U.S.C. 78o(b)(4)(E). Section 15(b)(6)(A)(i) parallels Section 15(b)(4)(E) and provides for the imposition of sanctions against persons associated with a broker or dealer that violates those statutes, rules and regulations enumerated in Section 15(b)(4)(E) and other specified subparagraphs under Section 15(b)(4). 15 U.S.C. 78o(b)(6)(A).

¹⁰ See Rule 3110(a).

¹¹ Article III, Section 27(d) of the NASD Rules of Fair Practice had provided: "Each member shall review the activities of each office, which shall include the periodic examination of customer accounts to detect and prevent irregularities or abuses and at least an annual inspection of each office of supervisory jurisdiction." See Notice to Members 87–41 (June 1987) (setting forth the then existing rule text for specified parts of Article III, Section 27 (Supervision) of the NASD Rules of Fair Practice as part of a proposal to amend the OSJ and branch office definitions).

¹² See Securities Exchange Act Release No. 26177 (October 13, 1988), 53 FR 41008 (October 19, 1988) (Order Approving File No. SR–NASD–88–31). See also Notice to Members 88–84 (November 1988) and Notice to Members 89–34 (April 1989).

¹³ See Rule 3110(c)(1)(A).

¹⁴ See Rule 3110(c)(1)(B).

¹⁵ See Rules 3110(c)(1)(C) and 3110.13 (General Presumption of Three-Year Limit for Periodic Inspection Schedules).

¹⁶ See Rule 3110(c)(2).

¹⁷ See Rule 3110(c)(2)(A) (providing that the inspection report must include, without limitation, the testing and verification of the member's policies

that the procedures established and reviews conducted must provide that the quality of supervision at remote (*i.e.*, geographically dispersed) locations is sufficient to ensure compliance with applicable securities laws and regulations and with FINRA rules, and that members must be especially diligent with respect to a non-branch location where a registered representative engages in securities activities. This provision incorporates guidance FINRA has previously issued about supervising associated persons working in geographically dispersed offices.²⁰

In 2004, the SEC staff similarly provided guidance on supervision principles.²¹ At that time, the SEC staff noted that small, geographically scattered offices presented supervisory challenges when they were not subject to on-site supervision. The SEC staff observed that an office's geographic distance from supervisory personnel could make it easier for registered persons and other employees to carry out and conceal violative conduct. This general observation was derived from SEC enforcement cases finding that firms had inadequately supervised their associated persons working in small, geographically distant offices due to the failure of their supervisory mechanisms to detect and prevent misconduct. Citing technology available at the time, the guidance emphasized that an effective supervisory system for geographically dispersed offices uses a combination of on-site and off-site monitoring; it specifically said that "[c]entralized technology to monitor the trading and handling of funds in remote office accounts, as well as the use of personal computers, helps detect misappropriation of customer funds, selling away, and unauthorized trading, among other things[.]"²² The guidance supported both routine or "for cause" on-site inspections, and encouraged unannounced inspections either on a random basis or where there are red flags about unusual activity at those offices. Further, as noted above, in the past both the SEC staff and FINRA have expressed the view that inspections must have an on-site component,

disciplinary records; customer investments in one or a few securities or class of securities that is inconsistent with firm policies related to such investments; churning; trading that is inconsistent with customer objectives; numerous trade corrections, extensions, liquidations; or significant switching activity of mutual funds or variable products held for short time periods. See SLB 17, *supra* note 3; see also Notice 98–38 and Notice to Members 99–45 (June 1999) ("Notice 99–45").

²⁰ See, e.g., Notices 98–38 and 99–45.

²¹ See SLB 17, *supra* note 3.

²² See SLB 17, *supra* note 3.

reflecting how office inspections have been historically conducted.²³

Since the time these in-person guidelines were expressed, developments in technology have enhanced firms' overall and ongoing supervision and monitoring of the activities occurring at branch offices and non-branch locations. In response to these developments, member firms have questioned the historical expectation that firms satisfy the inspection component of Rule 3110(c) solely in a physical, on-site manner.

The 2017 Proposal To Allow Remote Inspections and the Impact From the Pandemic

Even prior to the pandemic, in 2017, FINRA considered a proposal to give firms the option of satisfying the inspection requirement remotely for "qualifying offices" that met specified criteria.²⁴ However, the COVID–19 pandemic, declared in early 2020,²⁵ significantly changed the industry's standard business operations, forcing member firms to adapt to a full remote work environment and implement remote supervisory practices.²⁶ FINRA deferred the 2017 Proposal in light of the pressing need to address significant operational disruptions to the securities industry, regulators, impacted member firms, investors and other stakeholders. During this exigent period, FINRA responded to numerous issues and questions that urgently arose.²⁷ Following up on these actions, FINRA published Notice 20–42 to gain a broader understanding of member firm experiences during the pandemic. This notice sought feedback from firms about their experiences in a range of areas, including how member firms' operations and business models

²³ See note 3, *supra*.

²⁴ See *Regulatory Notice* 17–38 (November 2017) ("2017 Proposal"). FINRA had requested comment on a proposed amendment to Rule 3110 to allow remote inspections of "qualifying offices" that met specified criteria, in lieu of on-site inspections of such offices and locations. In general, many of the comment letters FINRA had received expressed support for the underlying concept of remote inspections and offered recommendations on specific criteria to broaden the potential population of qualifying offices.

²⁵ See Centers for Disease Control and Prevention ("CDC"), International Classification of Diseases, Tenth Revision, Clinical Modification (ICD–10–CM) (Effective March 18, 2020), <https://www.cdc.gov/nchs/data/icd/Announcement-New-ICD-code-for-coronavirus-3-18-2020.pdf>. See also WHO Director-General, Opening Remarks at the Media Briefing on COVID–19 (March 11, 2020), <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19-11-march-2020>.

²⁶ See generally *Regulatory Notice* 20–16 (May 2020).

²⁷ See note 6, *supra*.

changed during the public health crisis and how they might further evolve as the pandemic persisted. Other initiatives included sharing general practices of firms in transitioning and supervising in the remote work environment, and providing temporary relief to member firms from specified FINRA rules and requirements.²⁸ In particular, to give firms an opportunity to better manage their operational challenges and redirect resources attendant to fulfilling their inspection obligations, FINRA provided temporary relief to member firms pertaining to the in-person inspection aspect of Rule 3110(c).²⁹

Temporary Amendments to the Inspection Requirement Under Rule 3110(c)

At the outset of the pandemic in the United States, many states issued stay-at-home orders and imposed restrictions on businesses, social activities, and travel in hopes of slowing the spread of COVID–19.³⁰ In response, many government and private employers, including member firms, closed their offices and moved their employees to alternative worksites (*e.g.*, an employee's residence). These operational changes made it impracticable for member firms to conduct the on-site inspection component of Rule 3110(c) at most locations for that year because of limitations on travel to geographically dispersed OSJs, branch offices, and non-branch locations. In response to the logistical challenges, FINRA extended the time by which member firms were required to complete their calendar year 2020 inspection obligations under Rule 3110(c) to March 31, 2021 with the expectation that the extension did not relieve firms from the on-site portion of the inspections of their offices and locations.³¹ However, health and safety concerns remained unabated and with many restrictive measures still in place as calendar year 2020 was ending, FINRA adopted Rule 3110.17 to provide member firms the option, subject to specified requirements under the supplementary material, to complete

²⁸ Some temporary amendments to other FINRA rules still remain in effect. See Securities Exchange Act Release No. 95281 (July 14, 2021), 87 FR 43335 (July 20, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2022–018) (extending the expiration date of temporary amendments set forth in SR–FINRA–2020–015 and SR–FINRA–2020–027).

²⁹ See Rules 3110.16 and 3110.17.

³⁰ See note 7, *supra*, 85 FR 75097, 75098 n.10.

³¹ See Securities Exchange Act Release No. 89188 (June 30, 2020), 85 FR 40713 (July 7, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–019).

remotely their calendar year inspection obligations without an on-site visit to the office or location.³² This relief was repeatedly extended until the end of 2022.³³ Rule 3110.17 will automatically sunset on December 31, 2022.³⁴

Through comments to the 2017 Proposal, *Notice 20–42*, the various temporary amendments to Rule 3110, and other engagement with industry representatives, firms have highlighted that Rule 3110(c) was adopted well before the prevalence of modern technology, including laptops, mobile devices, video conferencing capabilities, electronic storage and electronic surveillance, at a time when on-site inspections were the only conceivable way firms could inspect and review activities occurring in outlying offices and locations. The advent of new and developing technologies has enhanced the effectiveness of a firm's ongoing supervision and monitoring of associated persons working from dispersed branch offices and non-branch locations. In addition, firms have noted that in practice, those technological advances allow a large portion of inspection work to be conducted electronically, prior to any on-site visit to the office and location, and that in general, on-site inspections of many offices and locations are one component of a firm's overall supervisory system of associated persons and offices, and as such are no longer an efficient and effective use of limited firm resources.³⁵

³² See note 7, *supra*.

³³ See Securities Exchange Act Release No. 93002 (September 15, 2021), 86 FR 52508 (September 21, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2021-023); and Securities Exchange Act Release No. 94018 (January 20, 2022), 87 FR 4072 (January 26, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2022-001).

³⁴ See note 33, *supra*.

³⁵ In response to FINRA's proposed rule changes associated with Rule 3110.17, one commenter made similar points about the physical, on-site piece of the inspection process. This commenter stated that pre-pandemic, an on-site inspection of a branch office typically consisted of reviewing the lobby area of the office, the back office (to review safe contents, sales literature, daily operations logs containing account applications), signage, and the physical security of the office. See Letter from Carrie L. Chelko, Chief Compliance Officer, Fidelity Brokerage Services LLC ("Fidelity Brokerage") & Norman L. Ashkenas, Chief Compliance Officer, National Financial Services LLC ("NFS") and Fidelity Distributors Company LLC ("Fidelity Distributors"), to Vanessa Countryman, Secretary, SEC, dated July 28, 2020, in response to Securities Exchange Act Release No. 89188 (June 30, 2020), 86 FR 40713 (July 7, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2020-019) and Letter from Gail Merken, Chief Compliance Officer, Fidelity Brokerage, Janet Dyer, Chief Compliance Officer, NFS & John McGinty, Chief Compliance Officer, Fidelity Distributors, to Vanessa Countryman, Secretary, SEC, dated

However, Rule 3110.17 was adopted in the midst of the pandemic, when many offices and locations were closed, and employees carried out their responsibilities from alternative worksites. FINRA recognizes that the pandemic has changed the conventional thinking on where work is conducted and this shift in the workforce landscape will unlikely revert to the model that existed pre-pandemic. As noted above, FINRA believes that adopting a voluntary, three-year remote inspection pilot program, under terms based largely on Rule 3110.17, but with significant safeguards, would allow FINRA the time to collect specified data from member firm pilot participants to evaluate their experiences and inspection findings in a uniform, comparable manner in the context of the emerging hybrid work model. FINRA anticipates that the proposed pilot program will provide broader systemized information to supplement the information obtained through the FINRA examination process in an environment where offices and locations were closed. The information firms will be required to produce as a pilot program participant will help FINRA more accurately assess the overall impacts on firms' supervisory systems to inform FINRA's application of supervisory requirements to the new work environment, including potentially broader reliance on remote inspections.

Proposed Voluntary, Three-Year Pilot Program for Remote Inspections

With Rule 3110.17 operational since November 2020, and the widespread availability and use of technology described above, regulators are being challenged to consider whether on-site inspections by firms should be a necessity and if they continue to be an efficient and effective method for supervising and monitoring associated persons and offices as part of a firm's overall supervisory system.

As FINRA emphasized in the proposed rule change to adopt Rule 3110.17, the responsibility of firms to supervise their associated persons on a day-to-day basis is a critical component of broker-dealer regulation.³⁶ The inspection requirement in Rule 3110(c) is just one element of a reasonably designed supervisory system. FINRA believes that a pilot period of risk-based on-site supervision is consistent with

February 16, 2022, in response to Securities Exchange Act Release No. 94018 (January 20, 2022), 87 FR 4072 (January 26, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2022-001).

³⁶ See note 7, *supra*.

firms' core responsibility, as set forth in Rule 3110, to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules. The proposed pilot program would build largely on the terms of Rule 3110.17, but would be enhanced in several ways, including notably targeted exclusions from participation in the program for higher risk member firms, and offices or locations. In addition, the proposed pilot program would require a firm conduct a risk assessment for each office or location that is selected to be inspected remotely, documented with the factors considered. Finally, the proposed pilot program would require a firm to establish and maintain written supervisory procedures to account for the risk assessment and sets forth the scope of the program.

A. Scope of Pilot (Proposed Rule 3110.18(a))

Under proposed Rule 3110.18(a), the proposed pilot program would apply to the required inspections of OSJs, branch offices, and non-branch locations under the applicable provisions under Rule 3110(c)(1) for a pilot period of three years starting on the effective date, and expiring on a date that is three years after the effective date. If the proposed pilot program is not extended or Rule 3110.18, as may be amended, is not approved as permanent by the SEC, the proposed supplementary material will automatically sunset on a date that is three years after the effective date. In addition, proposed Rule 3110.18(a) would expressly state that members would not be able to avail themselves of the proposed pilot program after it expires.

B. Use of Remote Inspections (Proposed Rule 3110.18(b))

1. Risk-Based Approach; Risk Assessment (Proposed Rule 3110.18(b)(1))

As described above, Rule 3110(c)(1) provides that an inspection of an office or location must occur on a designated frequency, and the periodicity of the required inspection varies depending on the classification of the location as an OSJ, branch office or non-branch location. Subject to proposed Rule 3110.18(b)(2) as described below, proposed Rule 3110.18(b)(1) would provide that a member firm may elect to conduct the applicable inspection of an office or location during the pilot period remotely, without necessarily an on-site

visit for the office or location, when the member reasonably determines that the purposes of the rule can be accomplished by conducting such required inspection remotely.³⁷

Proposed Rule 3110.18(b)(1) would also provide that prior to electing a remote inspection for an office or location, rather than an on-site inspection, the firm must develop a reasonable risk-based approach to using remote inspections and conduct and document a risk assessment for that office or location. The assessment must document the factors considered, including the factors set forth in Rule 3110.12, and must take into account any higher risk activities that take place or higher risk associated persons that are assigned to that location. FINRA expects that higher risk factors at a particular location would cause a firm to conduct on-site inspections of such location. Further, under the proposed supplementary material, a member that is not eligible to conduct remote inspections under proposed Rule 3110.18(b)(2) must conduct an on-site inspection of that office or location on the required cycle. Finally, notwithstanding the pilot program, a member would remain subject to the other requirements and limitations of Rule 3110(c).³⁸

2. Ineligible Member Firms, and Offices or Locations (Proposed Rule 3110.18(b)(2))

FINRA is proposing to exclude some member firms or their offices or locations from participating in the proposed pilot program. The proposed categories of ineligibility are events or activities of a member firm or its associated persons that FINRA believes are more likely to raise investor

protection concerns based on the firm's or an associated person's record of specified regulatory or disciplinary events.

Under proposed Rule 3110.18(b)(2)(A), a member firm would be ineligible to conduct remote inspections of any of its offices if any time during the period of the proposed pilot program, the member is or becomes: (1) designated as a Restricted Firm under Rule 4111³⁹ (proposed Rule 3110.18(b)(2)(A)(i)); or (2) designated as a Taping Firm under Rule 3170⁴⁰ (proposed Rule 3110.18(b)(2)(A)(ii)). These rules expressly address firms that pose higher risks, and for that reason, would be ineligible to participate in the proposed pilot program.

In addition, under proposed Rule 3110.18(b)(2)(B), a member firm's office or location would be ineligible for a remote inspection if at any time during the period of the proposed pilot program, an associated person at such office or location is or becomes: (1) subject to a mandatory heightened supervisory plan under the rules of the SEC, FINRA or state regulatory agency (proposed Rule 3110.18(b)(2)(B)(i)); (2) statutorily disqualified, unless such disqualified person has been approved (or is otherwise permitted pursuant to FINRA rules and the federal securities laws) to associate with a member and is not subject to a mandatory heightened supervisory plan under proposed Rule 3110.18(b)(2)(B)(i) or otherwise as a condition to approval or permission for such association (proposed Rule 3110.18(b)(2)(B)(ii)); (3) subject to Rule 1017(a)(7)⁴¹ as a result of one or more

associated persons at such location (proposed Rule 3110.18(b)(2)(B)(iii)); or (4) one or more associated persons at such location has an event in the prior three years that required a "yes" response to any item in Questions 14A(1)(a) and 2(a), 14B(1)(a) and 2(a), 14C, 14D and 14E on Form U4⁴² (proposed Rule 3110.18(b)(2)(B)(iv)). FINRA believes that the imposition of a mandatory heightened supervisory plan, a statutorily disqualification, a Rule 1017(a)(7) review due to significant misconduct, or the existence of specified disclosures on Form U4 pertaining to criminal convictions and final regulatory action are indicia of increased risk to investors at some office or locations, such that they should not be eligible for remote inspections in accordance with the proposed pilot program.

A member firm or an office or location subject to one of the categorical restrictions would not be eligible for remote inspections, even if the firm's risk assessment concludes that a remote inspection would be appropriate. A member firm would be required to conduct an on-site inspection of that office or location on the required cycle. FINRA believes the proposed list of ineligibility categories is appropriately derived from existing rule-based criteria that are part of processes to identify firms that may pose greater concern (e.g., Rules 4111 and 3170) or associated persons that may pose greater concerns due to the nature of disclosures of regulatory or disciplinary events on the uniform registration forms. FINRA believes that these objective categorical restrictions will provide safeguards that will help ensure that firms maintain effective supervisory procedures during the pilot period.

C. Written Supervisory Procedures for Remote Inspections (Proposed Rule 3110.18(c))

As part of an effective supervisory system tailored specifically to the member firm's business and the activities of all its associated persons, a member must establish and maintain written procedures.⁴³ Paragraph (1) (General Requirements) under Rule 3110(b) (Written Procedures) provides

owner, control person, principal or registered person at the person's current member firm or at a new member firm. *See generally Regulatory Notice 21-09* (March 2021) (announcing FINRA's adoption of rules to address brokers with a significant history of misconduct).

⁴² Form U4's Questions 14A(1)(a) and 2(a), 14B(1)(a) and 2(a) elicit reporting of criminal convictions, and Questions 14C, 14D, and 14E pertain to regulatory action disclosures.

⁴³ *See* Rule 3110(a)(1); *see generally Notice 99-45 and Regulatory Notice 18-15* (April 2018).

³⁷ As described further below, a member firm that elects to participate in the proposed pilot program would be subject to the requirements of proposed Rule 3110.18 for a Pilot Year. *See* proposed Rule 3110.18(g).

³⁸ For example, as currently required with any physical, on-site inspection, a member would be required to reduce the remote inspection to a written report and satisfy the content and record retention requirements of such report as described in Rule 3110(c)(2). Similarly, a member would remain subject to Rule 3110(c)(3)'s general prohibition against an associated person from conducting a location's inspection if the person either is assigned to that location or is directly or indirectly supervised by, or otherwise reports to, someone assigned to that location. Rule 3110(c)(3) provides a limited exception from this general prohibition for specified circumstances (e.g., the member has a business model where a small or single-person offices report directly to an OSJ manager who is also considered the offices' branch office manager) by requiring a member to document in the inspection report both the factors the member used to make the determination that it could not comply with the general prohibition and how the inspection otherwise complies with Rule 3110(c)(1).

³⁹ In general, Rule 4111 (Restricted Firm Obligations) requires member firms that are identified as "Restricted Firms" to deposit cash or qualified securities in a segregated, restricted account; adhere to specified conditions or restrictions; or comply with a combination of such obligations. *See generally Regulatory Notice 21-34* (September 2021) (announcing FINRA's adoption of rules to address firms with a significant history of misconduct).

⁴⁰ In general, Rule 3170 (Tape Recording of Registered Persons by Certain Firms) requires a member firm to establish, enforce and maintain special written procedures supervising the telemarketing activities of all of its registered persons, including the tape recording of conversations, if the firm has hired more than a specified percentage of registered persons from firms that meet FINRA Rule 3170's definition of "disciplined firm." *See generally Regulatory Notice 14-10* (March 2014) (announcing FINRA's adoption of consolidated rules governing supervision).

⁴¹ In general, Rule 1017(a)(7) require a member firm to file a CMA when a natural person seeking to become an owner, control person, principal or registered person of the member firm has, in the prior five years, one or more defined "final criminal matters" or two or more "specified risk events" unless the member firm has submitted a written request to FINRA seeking a materiality consultation for the contemplated activity. Rule 1017(a)(7) applies whether the person is seeking to become an

that a member must establish, maintain, and enforce written procedures to supervise the types of business in which it engages and the activities of its associated persons that are reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules.

Currently, Rule 3110.17(b) expressly provides that consistent with a member's obligation under Rule 3110(b)(1), a member that elects to conduct each of its inspections in the specified calendar years remotely must amend or supplement its written supervisory procedures to provide for remote inspections that are reasonably designed to assist in detecting and preventing violations of and achieving compliance with applicable securities laws and regulations, and with applicable FINRA rules. In addition, under Rule 3110.17(b), reasonably designed procedures for conducting remote inspection of offices or locations should include, among other things, a description of the methodology, including technologies permitted by the member, that may be used to conduct remote inspections. Further, such procedures should include the use of other risk-based systems employed generally by the member firm to identify and prioritize for review those areas that pose the greatest risk of potential violations of applicable securities laws and regulations, and of applicable FINRA rules.⁴⁴ To underscore the importance of Rule 3110(b)(1) in the context of the proposed pilot program, FINRA is proposing to add to the elements currently described under Rule 3110.17(b) an express provision that the firm must adopt written supervisory procedures regarding remote inspections that are reasonably designed to detect and prevent violations of and achieve compliance with applicable securities laws and regulations, and with application FINRA rules. In addition, a firm's written supervisory procedures should also include the factors considered in the risk assessment made for each applicable office or location pursuant to proposed Rule 3110.18(b).

⁴⁴ Offices or locations that may present a higher risk profile would include, for example, those that have associated persons engaging in activities that involve handling customer funds or securities, maintaining books and records as described under applicable federal securities laws and FINRA rules, order execution or other activities that may be more susceptible to higher risks of operational or sales practice wrongdoing, or have associated persons assigned to an office or location who may be subject to additional or heightened supervisory procedures.

D. Effective Supervisory System (Proposed Rule 3110.18(d))

FINRA is proposing to retain the terms of Rule 3110.17(c), without substantive change, in proposed Rule 3110.18(d). Similar to Rule 3110.17(c), proposed Rule 3110.18(d) would expressly reiterate the principle that the requirement to conduct inspections of offices and locations is one part of the member's overall ongoing obligation to have an effective supervisory system, and therefore a member must continue with its reviews of the activities and functions occurring at all offices and locations whether or not the member conducts inspections remotely. In addition, proposed Rule 3110.18(d) would provide that a member's remote inspection of an office or location would be held to the same standards for review applicable to on-site inspections as set forth under Rule 3110.12.⁴⁵ Further, proposed Rule 3110.18(d) would provide that where a member's remote inspection of an office or location identifies any indicators of irregularities or misconduct (*i.e.*, "red flags"), the member may need to impose additional supervisory procedures for that office or location, or may need to provide for more frequent monitoring or oversight of that office or location, or both, including potentially a subsequent physical, on-site visit on an announced or unannounced basis.

E. Documentation Requirement (Proposed Rule 3110.18(e))

In general, Rule 3110(c)(2) imposes various documentation requirements for inspections, including maintaining a written record of the date upon which each inspection is conducted. Currently, Rule 3110.17(d) requires supplemental documentation by a member that avails itself of the remote inspection option. The member must maintain and preserve a centralized record for each of calendar years specified in the supplementary material that separately identifies: (1) all offices or locations that had inspections that were conducted remotely; and (2) any offices or locations that the member determined to impose additional supervisory procedures or more frequent monitoring, as provided in Rule 3110.17(c). A member's documentation of the results of a remote inspection for an office or location must identify any additional supervisory procedures or more frequent monitoring for that office or location that were imposed as a result of the remote inspection. FINRA is proposing to incorporate, without

⁴⁵ See note 19, *supra* and accompanying text.

substantive change, the terms of Rule 3110.17(d) in proposed Rule 3110.18(e), but make two clarifying changes. One change would be to reference that the centralized record must be for each of the "pilot years" (as defined in proposed Rule 3110.18(h)), and the other change would be to clarify that a member's documentation of the results of a remote inspection for an office or location must identify any additional supervisory procedures or more frequent monitoring for that office or location that were imposed as a result of the remote inspection, including whether an on-site inspection was conducted at such office.

F. Data and Information Collection Requirement (Proposed Rule 3110.18(f))

1. Data and Information (Proposed Rule 3118.18(f)(1))

As noted above, Rule 3110.17 was adopted in the midst of the pandemic and operationalized in an environment in which many offices and locations were closed to the public. FINRA believes that the formalized, uniform collection of data is critical to allow FINRA to meaningfully assess the effectiveness of remote inspections to help shape potential permanent amendments to Rule 3110(c) that would optimize an inspection program in the evolving workplace environment. FINRA believes having a pilot program for remote inspections with appropriate conditions, limitations and documentation requirements in an environment that is resettling into a hybrid workplace model would provide a clearer picture of the strengths and weaknesses of remote inspections, without compromising investor protection. Proposed Rule 3110.18(f) would impose upon firms a data and information collection requirement as a condition for participating in the pilot program. On a frequency not to exceed quarterly, participating firms would be required to collect and produce to FINRA, in a manner and format determined by FINRA, data consisting of separate counts for OSJs, supervisory branch offices, non-supervisory branch offices, and non-branch locations, consistent with paragraphs (c)(1)(A), (B) and (C) under Rule 3110, for several categories, including: (1) the total number of inspections—on-site and remote—completed during each calendar quarter;⁴⁶ (2) the number of those office or locations in each calendar quarter that were subject to an on-site inspection because of a "finding" (defined under proposed Rule 3110.18(f) as an item that led to any

⁴⁶ See proposed Rule 3110.18(f)(1)(A), (B) and (C).

remedial action or was listed on the member's inspection report);⁴⁷ (3) the number of locations for which a remote inspection was conducted in the calendar quarter that identified a finding, the number of findings, and a list of the most significant findings;⁴⁸ and (4) the number of locations for which an on-site inspection was conducted in the calendar quarter that identified a finding, the number of findings, a list of the most significant findings.⁴⁹ In addition, firms would be required to provide FINRA their written supervisory procedures for remote inspections that account for: (1) escalating significant findings; new hires; supervising brokers with a significant history of misconduct; and outside business activities and "doing business as" (or DBA) designations.⁵⁰ Firms would be required to provide FINRA with a copy of these written supervisory procedures alongside the first delivery of the data points described above, and any subsequent amendments to such procedures for remote inspections.⁵¹

2. Additional Data and Information for Pilot Year 1 (Proposed Rule 3110.18(f)(2))

Proposed Rule 3110.18(f)(2) would address the additional data and information requirements for Pilot Year 1 (as defined under proposed Rule 3110.18(h)), if such year covers a period that is less than a full calendar year. In such case, a member that elects to participate in the proposed pilot program would be required to collect the following data and information and provide such data and information to FINRA (in a manner and format FINRA determines) no later than December 31 of such first Pilot Year. For items (1) through (3) below, a member would be required to provide separate counts for OSJs, supervisory branch offices, non-supervisory branch offices, and non-branch locations consistent with paragraphs (c)(1)(A), (B) and (C) under Rule 3110: (1) the number of locations with an inspection completed during the full calendar year of the first Pilot Year; (2) the number of locations in item (1) that were inspected remotely during the full calendar year of the first Pilot Year; and (3) the number of locations in item (1) that were inspected on-site during the full calendar year of the first Pilot Year. This additional data and

information would provide FINRA the ability to capture, in the aggregate, complete inspection counts—total number of Rule 3110(c)(1) inspections (remote and on-site)—for the entire calendar year in addition to the more detailed data and information requirements under proposed Rule 3110.18(f)(1).

3. Written Policies and Procedures (Proposed Rule 3110.18(f)(3))

Proposed Rule 3110.18(f)(3) would also remind firms of the general requirement to establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the data and information collection, and transmission requirements of the proposed pilot program.

4. Remote Inspections Pilot Program Participation (Proposed Rule 3110.18(g))

Proposed Rule 3110.18(g) would set forth the manner in which a firm would notify FINRA of the firm's election to participate in the proposed pilot program and to withdraw from it. The proposed rule would provide that FINRA may, in exceptional cases and where good cause is shown, waive the applicable timeframes described below for the required opt-in or opt-out notices.

Proposed Rule 3110.18(g) would require a firm, at least five calendar days before the beginning of such Pilot Year, to provide FINRA an "opt-in notice" in the manner and format determined by FINRA. By providing such opt-in notice to FINRA, the firm agrees to participate in the proposed pilot program for the duration of such Pilot Year and to comply with the requirements of Rule 3110.18.⁵² A firm that provides the opt-in notice for a Pilot Year would be automatically deemed to have elected and agreed to participate in the Remote Inspections Pilot Program for subsequent Pilot Years (*i.e.*, Pilot Year 2, Pilot Year 3, and Pilot Year 4, if applicable) until the pilot program expires. Further, proposed Rule 3110.18(g) would describe the notice requirement for a firm to withdraw from the proposed pilot program. A firm would be required to provide FINRA with an "opt-out notice" at least five calendar days before the end of the then current Pilot Year.

By way of example, a firm that provides FINRA an opt-in notice on June 26 to join Pilot Year 1 that begins on July 1 would be automatically

deemed to continue participating in Pilot Year 2 unless the firm provides FINRA the required opt-out notice no later than December 26 of Pilot Year 1. To continue with this example, a firm that was automatically deemed to participate in Pilot Year 2 and determines in mid-Pilot Year 2 that it does not want to automatically continue into Pilot Year 3 could elect to withdraw from Pilot Year 3 if it provides FINRA an opt-out notice at least five calendar days before the end of Pilot Year 2. However, because Pilot Year 2 is already underway, the firm would be required to complete Pilot Year 2 in accordance with proposed Rule 3110.18.

FINRA believes that this proposed operational aspect of the program would not only establish a cohesive process in which firms and FINRA may manage program participation but also lend some continuity in data and information collection that would support FINRA's assessment and evaluation of the experiences of pilot participants.

5. Definitions (Proposed Rule 3110.18(h))

Proposed Rule 3110.18(h) would set forth the meanings underlying "Pilot Year" to explain the duration of the proposed pilot program. Under proposed Rule 3110.18(h), a "Pilot Year" would mean the following: (1) Pilot Year 1 would be the period beginning on the effective date of the proposed pilot program and ending on December 31 of the same year; (2) Pilot Year 2 would mean the calendar year period following Pilot Year 1, beginning on January 1 and ending on December 31; and (3) Pilot Year 3 would mean the calendar year period following Pilot Year 2, beginning on January 1 and ending on December 31. Finally, if applicable, where Pilot Year 1 covers a period that is less than a full calendar year, then Pilot Year 4 would mean the period following Pilot Year 3, beginning on January 1 and ending on a date that is three years after the effective date.

6. Failure To Satisfy Conditions (Proposed Rule 3110.18(i))

Proposed Rule 3110.18(i) would address a situation in which a firm fails to satisfy terms of the proposed pilot program. The proposed paragraph would provide that a firm that fails to satisfy the conditions of Rule 3110.18, including the requirement to timely collect and submit the data and information to FINRA as set forth in proposed Rule 3110.18(f), would be ineligible to participate in the pilot program and must conduct on-site inspections of each office and location

⁴⁷ See proposed Rule 3110.18(f)(1)(D).

⁴⁸ See proposed Rule 3110.18(f)(1)(E).

⁴⁹ See proposed Rule 3110.18(f)(1)(F).

⁵⁰ See proposed Rule 3110.18(f)(1)(G)(i) through (iv).

⁵¹ See proposed Rule 3110.18(f)(1)(G).

⁵² A firm that participates in a Pilot Year would be committed to complying with the terms of proposed Rule 3110.18 for that Pilot Year.

on the required cycle in accordance with Rule 3110(c).

7. Sunset of Rule 3110.17 (Proposed Rule 3110.18(j))

Proposed Rule 3110.18 would expressly account for the possibility that the proposed pilot program becomes effective while Rule 3110.17 is in effect to avoid overlapping provisions. Proposed paragraph (j) would provide that if Rule 3110.17 has not already expired by its own terms, it would automatically sunset on the effective date of proposed Rule 3110.18.

Consistent with the principles set forth in prior guidance, FINRA expects members to establish reasonably designed inspection programs. The proposed pilot program for remote inspections does not alter the core obligation of a member firm to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules.⁵³ As part of the inspection planning process, FINRA expects members to continue with their ongoing supervision, including risk analysis of the activities and functions occurring at all offices or locations. While the option to conduct remote inspections provides greater choice in how to effectively supervise some offices or locations, a member must continue to consider the factors described in Rule 3110.12, along with the activities taking place there. This analysis may require the member to conduct a physical, on-site inspection of an office or location. Where there are indications of problems or red flags at any office or location, FINRA expects members to investigate them as they would for any other office or location subject to Rule 3110(c), which may include an unannounced, on-site inspection of the office or location. FINRA is committed to diligently monitoring the impacts of remote inspections on a firms' overall supervisory systems and reviewing the data over the life of the proposed pilot program to assess how firms apply the flexibility provided by the pilot program while maintaining an effective supervisory program.

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice*.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁵⁴ 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.

The terms of the proposed voluntary, three-year remote inspection pilot program, while based largely on the terms of Rule 3110.17, which has been operational since the latter part of 2020 and is set to automatically sunset on December 31, 2022, would include important safeguards that would require individual risk assessments of each office, supplemental written supervisory procedures related to remote inspections, documentation requirements and obligations to share data with FINRA to allow for assessment of the pilot program. The proposed rule change is intended to provide firms that are transitioning to a hybrid work environment the option to conduct remote inspections of their offices and locations, subject to specified conditions, while maintaining effective supervision. FINRA believes that the proposed pilot program would provide FINRA the appropriate amount of time and population sample to better evaluate the use of remote inspections in the unfolding office work environment. FINRA believes the proposed pilot program, with the proposed safeguards and controls, will provide firms more flexibility to adapt to changing work conditions. The proposed pilot program would aid in FINRA's assessment of the effectiveness of a flexible remote inspection option and its utility in an environment that is increasingly moving to hybrid workplace models, without compromising investor protection.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects,

relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet FINRA's regulatory objectives.

1. Regulatory Need

The proposed pilot program would serve two purposes. First, it would mitigate potential disruptions to the hybrid work arrangements that have developed during the pandemic. In particular, for participating members, the proposed pilot program would limit the increase in aggregate inspection costs, and the resulting incentive to reduce the number and type of work locations, that would occur when temporary relief provided during the pandemic expires.⁵⁵ The proposed pilot program would not eliminate the need for such adjustments, but it would allow member firms to focus their on-site inspections on riskier locations.

The proposed pilot program would also allow FINRA to assess the benefits and costs of allowing some element of remote inspection of branch offices and non-branch locations, under specified conditions, in the post-pandemic world. FINRA would obtain information from participating members on certain elements of the risk-based approach that they implement, the type and frequency of inspections, and certain outcomes conditional on the type and frequency of inspections, as well as the type of office or location inspected.

2. Economic Baseline

The economic baseline for the proposed rule change includes both current and foreseeable workforce arrangements and business practices, including those that were first developed during the pandemic and have been modified since. In particular, the economic baseline includes the innovations, and investments in communication and surveillance technology, that have supported and continue to support supervision in the remote work environment.⁵⁶ These

⁵⁵ According to the April Survey of Working Arrangements and Attitudes (SWAA), post-COVID, many employers are planning to allow employees to work from home between two and three days per week. See Jose Maria Barrero, Nicholas Bloom & Steven J. Davis, SWAA April 2022 (April 11, 2022), https://wfhresearch.com/wp-content/uploads/2022/04/WFHRresearch_updates-April-2022.pdf. The number of expected work-from-home days post-pandemic has been increasing steadily since the January 2021 survey. The SWAA is monthly survey with respondents that are working-age persons in the United States that had earnings of at least \$20,000 in 2019. Further details about this survey can be found in <https://wfhresearch.com>.

⁵⁶ The pandemic propelled increased reliance on technology solutions in the remote work environment. A Thompson Reuters survey of compliance and risk practitioners shows a 70%

⁵³ See Rule 3110(a).

⁵⁴ 15 U.S.C. 78o-3(b)(6).

innovations and investments were developed during the temporary relief allowing remote inspections in Rule 3110.17, and the temporary suspension of the requirement to submit branch office applications on Form BR for new office locations provided in *Notice 20–08*. The baseline includes the scheduled expiration of Rule 3110.17 on the effective date of the proposed Rule 3110.18; and, in order to provide a full accounting of the likely effects of the proposed rule change, the analysis also assumes that, going forward, the temporary suspension of the above requirement is no longer in effect. FINRA expects that numerous additional office locations would then need to be registered, greatly expanding the number of inspections, and all inspections would then need to be conducted on-site.

As of April 30, 2022, FINRA's membership included 3,365 firms with 151,463 registered branch offices.⁵⁷ Of these branch offices, 18,290 (12%) are OSJs subject to an annual inspection requirement. The remaining 133,173 branch locations are non-OSJ branch offices subject to an inspection requirement at least annually or every three years. In addition, according to FINRA estimates, there are more than 66,054 non-branch locations, of which 37,290 are private residences.⁵⁸ A non-branch location must be inspected on a periodic schedule, presumed to be at least every three years. These data may be affected by the temporary relief from certain requirements to update Form U4 and to submit Form BR provided in *Notice 20–08*. FINRA estimates that member firms conduct approximately 84,700 inspections per year.

FINRA adopted temporary Rule 3110.17 in late 2020 and the temporary rule has been extended twice since.⁵⁹ Hence, as of June 2022, member firms have been able to conduct remote inspections for 18 months. FINRA staff considered findings from FINRA's

increase in the reliance on technological solutions and 30% of respondents expected increases in the budget for RegTech solutions, specifically. See Thompson Reuters, *FinTech, RegTech and the Role of Compliance 2021*, <https://legal.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/reports/fintech-regtech-and-the-role-of-compliance-in-2021.pdf>.

⁵⁷ This count excludes firms with membership pending approval, and withdrawn or terminated from membership.

⁵⁸ Non-branch locations do not have to be registered with FINRA. The estimates for non-branch locations, including those that are also private residences, are obtained by reviewing Form U4. There may be some double counting of non-branch locations if members record the address differently on more than one Form U4 (e.g., use "St." on one and "Street" on another).

⁵⁹ See notes 7 and 33, *supra*.

examination of member firms and their branch locations that took place in between 2018 and 2021. This preliminary review found no significant departures relative to pre-pandemic examination results.⁶⁰

3. Economic Impacts

As discussed above, absent the proposed rule change, FINRA expects that numerous additional office locations will need to be registered, greatly expanding the number of inspections, and all inspections would then need to be conducted on site. The economic impacts of these changes would be mitigated by the proposed rule change for firms that choose to participate in the pilot program.⁶¹

Participants in the pilot program would be expected to take a risk-based approach to conducting remote inspections. A firm that does not conduct a remote inspection for an office or location must conduct an on-site inspection of that office or location on the required cycle and remains subject to the other requirements of Rule 3110(c). A firm that chooses to participate in the pilot program (assuming that it is not otherwise ineligible from participating) would also be required to provide FINRA with certain data and other information about

⁶⁰ FINRA examinations generally review member activities for the year preceding the examination, and the vast majority of examinations takes place during the first 10 months of the calendar year. Examinations check for compliance with federal laws, rules and regulations; the specific areas examined in a firm are based on the risk profile of the firm. FINRA publishes an annual summary of key observations and best practices across all examinations. See the published reports at <https://www.finra.org/rules-guidance/key-topics/finra-examination-risk-monitoring-programs#guidance>. Due to this time lag in FINRA examinations, findings may reflect decisions about remote inspections made by members preceding examinations up to 12 months. Hence, most FINRA examinations in 2020 will reflect member planning undertaken prior to the adoption of Rule 3110.17. Conversely, 66% of FINRA examinations for calendar 2021 have not been finalized. In addition, FINRA examinations of member firms and their activities are risk-based. Given the focus on higher risk firms and some variations in the areas of focus in examinations, year-on-year comparisons should be treated with caution.

⁶¹ Separately, FINRA has filed a proposed rule change to establish a Residential Supervisory Location ("RSL"), a new non-branch location, that would, relative to the baseline, reduce the number of inspections that members with RSLs would need to conduct in a year. See Securities Exchange Act Release No. 95379 (July 27, 2022) (Notice of Filing of File No. SR-FINRA-2022-019). For member firms with locations that would meet the proposed definition of an RSL, the aggregate cost savings from choosing to participate in the proposed pilot program would be lower if the RSL proposal were in place because the cost savings from remote inspections would accrue over fewer inspections. The qualitative impacts of the proposed pilot program, however, are similar whether the proposed definition of an RSL is adopted or not.

the risk-based approach that they implement, the type and frequency of inspections, and certain outcomes conditional on the type and frequency of inspections.

Anticipated Benefits

The benefit to firms of choosing to participate in the pilot program, in an improved health environment, would result from limiting the increase in travel costs and lost productivity due to time spent during travel and in the on-site inspection. On-site visits have material costs from travel expenses and additional staff time. A system of risk-based on-site and remote inspections will allow firms to more efficiently deploy compliance resources and to use an on-site component only when appropriate.

Firms as well as investors may benefit if remote inspections provide new flexibility in the design of inspection teams. For example, remote inspections may facilitate the development of specialized inspection staff that are deployed over more inspections, for shorter periods of time, in a targeted way. This option may especially benefit diversified member firms with a variety of product offerings. Remote inspections can also facilitate the use of inspections that target a particular area of focus in a member firm's business across all branches of the member firm.

The proposed rule change may also support the competitiveness of the broker-dealer industry for individuals who seek professional positions in compliance.⁶² The expectation of workplace flexibility and remote work by such individuals may lead them away from the broker-dealer industry if other segments of financial services or professional occupations offer more flexible workforce arrangements, with regulatory frameworks that offer more discretion in how the supervision is conducted.⁶³ Even prior to the pandemic, the scope of on-site inspections had been much reduced due

⁶² See note 56, *supra*. See also Jose Maria Barrero, Nicholas Bloom & Steven J. Davis, *Why Working from Home Will Stick* (NBER Working Paper 28731, April 2021), <https://wfhresearch.com/wp-content/uploads/2021/04/w28731-3-May-2021.pdf>, who point to a lasting effect of the pandemic on work arrangements, in particular for those with higher education and earnings; and Alexander Bick, Adam Blandin & Karel Mertens, *Work from Home Before and After the COVID–19 Outbreak*, (Working Paper, February 2022), https://karelmertens.com.files.wordpress.com/2022/02/wfh_feb17_2022_paper.pdf, who find consistent results, with a higher adoption rate of work from home jobs in Finance and Insurance, relative to other industries, reflected in Figure 10.

⁶³ For example, Advisers Act Rule 206(4)–7 does not require Registered Investment Advisers to conduct in-person inspections or reviews of its offices or personnel.

to technological surveillance solutions and centralization of books and records. The proposed pilot would support continued adoption and innovation in technological solutions and reductions in the cost of these solutions.

Participants in the proposed pilot program would provide FINRA with periodic (not to exceed quarterly) data on the frequency and type of inspections (on-site or remote), counts of findings from inspections subdivided by category of office or location, qualitative information about these findings, and certain information about the written supervisory procedures for remote inspections they are required to have.⁶⁴ Depending on the number and types of firms that participate in the proposed pilot program, this data may allow FINRA to identify differences in risks between remote versus on-site inspection, both conditional on the observable characteristics and policies of firms and overall, the extent of variation in these risks across firms and firm characteristics, and factors associated with very high or low risks. The proposed pilot program has the potential to yield a more thorough collection of sensitive information in a structured manner than voluntary submissions or a survey of FINRA members could provide. This data will be useful both for monitoring for risks as the pilot proceeds and, with sufficient participation, for developing a balanced assessment of the potential impact of permitting further remote inspection.

Anticipated Costs

Participation in the proposed pilot program is voluntary, and the proposed rule change provides firms with an additional method for complying with certain supervisory requirements without removing other methods of compliance. Eligible pilot participants will therefore participate in the pilot program only if doing so is beneficial to their operations relative to complying with current Rule 3110. The cost of complying with the requirements of the proposed pilot program is a factor in this decision. These costs include conducting risk-based analyses for inspections and providing aggregated data on findings to FINRA. The data request in particular may require more standardization and aggregation of inspection findings than some member firms typically conduct. The data

⁶⁴ In addition, if the effective date of the rule is such that the first year of the pilot program covers a period less than a full calendar year, participating firms would be required to provide, the data and information specified in proposed Rule 3110.18(f)(2).

request may also not use the same terms or formats used by compliance officers for reporting and tracking inspection findings. Firms may need to develop new written supervisory procedures and new trainings for compliance staff to ensure that all required data is accurate and compiled and submitted to FINRA in a timely manner. Firms will incur new ongoing costs both for compliance and monitoring for compliance.

Supervision and inspections are intended to identify not only the activities that violate member procedures or FINRA rules but also poor practices that might ultimately allow for such violations. FINRA recognizes that remote inspections may be less likely to identify such practices or activities as on-site inspections. FINRA believes that risks to member firms and investors from remote inspections are mitigated by the proposed requirements to have written supervisory procedures for remote inspections, the proposed requirement to conduct and document risk assessments, the proposed limitations on the firms and locations that would be eligible to participate in the proposed pilot program, and the technology already employed for day-to-day supervision. In addition, FINRA will continue to closely monitor the outcomes of examinations during the pilot program period.

4. Alternatives Considered

The proposed pilot program would continue for three years. FINRA staff considered alternative durations for the program. FINRA members firms vary by business model and organizational structure, so a shorter program is less likely to yield enough data on inspection findings to allow for meaningful comparisons between on-site and remote inspection regimes across members. In addition, inspections are typically planned by members well ahead of time, so some members may not implement the requirements of the program until well into the duration of the pilot program. It may also help firms and the policy development process if FINRA had enough data to meaningfully evaluate well ahead of the expiration of the pilot program.

FINRA staff also considered a proposed pilot program that would not exclude certain firms, like restricted firms, from participating in the program. These additional restrictions will limit the availability of the pilot program as well as the potential learnings from the program. As a result, the same restrictions may ultimately need to be carried over into any ongoing program of risk-based examinations. The

exclusion of such firms, however, should reduce any risk of customer harm from not having on-site inspections.⁶⁵

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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 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-2022-021 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-2022-021. 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

⁶⁵ See Zachary T. Kowaleski, Andrew G. Sutherland & Felix W. Vetter, Supervisor Influence on Employee Financial Misconduct (Working Paper, July 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3646617. This paper presents evidence that could be interpreted as supportive of the exclusions based on misconduct and lack of experience.

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 a.m. and 3 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-2022-021 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁶

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17428 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95450; File No. SR-NASDAQ-2022-046]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Credits, at Equity 7, Section 118

August 9, 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 August 1, 2022, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction credits at Equity 7, Section 118(a), as described further below. The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118. Specifically, the Exchange proposes to add (1) a new credit in Tapes A, B and C for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) and (2) a new credit in Tapes A, B and C for non-displayed midpoint orders (other than Supplemental Orders).

Credit for Displayed Quotes/Orders

The Exchange currently provides credits to members for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders). The Exchange is proposing to add a credit of \$0.0020 per share executed to Tapes A, B and C. The credit will be available to a member that, through one or more of its Nasdaq Market Center MPIDs, (i) increases its shares of liquidity provided in all securities by at least 20% as a percentage of Consolidated Volume during the month relative to the month of July 2022 and (ii) has shares of liquidity provided of least 5 million average daily volume during the month.

The Exchange hopes that by proposing the new credit it will incentivize members to increase their liquidity providing activity on the Exchange, which will improve market quality.

Credit for Non-Displayed Midpoint Orders

The Exchange proposes to provide a new supplemental credit for midpoint orders (excluding buy (sell) orders with midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) that provide liquidity to the Exchange. This credit will be in addition to other credits otherwise available to members for adding non-displayed liquidity to the Exchange, but a member's activity will qualify it to receive only one of the supplemental credits at a time, meaning that they are not cumulative. Additionally, members that receive a supplemental credit will be entitled to a combined credit (regular and supplemental) up to a maximum of \$0.0027 per share executed.

Specifically, the Exchange proposes to provide a supplemental credit of \$0.0001 per share executed for midpoint orders (excluding buy (sell) orders with midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) if the member, during the month (i) provides at least 10 million shares of midpoint liquidity per day during the month; and (ii) increases providing liquidity through midpoint orders by 50% or more relative to the member's July 2022 consolidated volume provided through midpoint orders.

The purpose of the new credit is to provide extra incentive to members that provide non-displayed liquidity to the Exchange to do so through midpoint orders, as well as to grow substantially the extent to which they provide midpoint orders to the Exchange relative to a recent benchmark month. The Exchange believes that if such incentives are effective, then any ensuing increase in midpoint liquidity to the Exchange will improve market quality, to the benefit of all participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,³ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁴ 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

⁶⁶ 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. 78f(b).

⁴ 15 U.S.C. 78f(b)(4) and (5).

designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposal Is Reasonable

The Exchange's proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'"⁵

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."⁶

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that it is reasonable to establish new transaction credits, at Equity 7, Section 118(a), because these new credits will encourage the addition of and/or growth in the addition of displayed liquidity and non-displayed midpoint liquidity to the Exchange.

The Exchange believes that it is reasonable to establish a new \$0.0020 per share executed transaction credit, at Equity 7, Section 118(a), for a member that, through one or more of its Nasdaq Market Center MPIDs, (i) increases its shares of liquidity provided in all securities by at least 20% as a percentage of Consolidated Volume during the month relative to the month of July 2022 and (ii) has shares of liquidity provided of least 5 million average daily volume during the month. The new credit will encourage substantial activity on the Exchange, which will improve the overall market quality to the benefit of all market participants. The Exchange believes that if the new credit is effective, then liquidity adding activity on the Exchange will increase and market quality will improve for the benefit of all participants.

The Exchange also believes it is reasonable to establish a new supplemental credit of \$0.0001 per share executed for midpoint orders (excluding buy (sell) orders with midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the NBBO) if the member, during the month (i) provides at least 10 million shares of midpoint liquidity per day during the month; and (ii) increases providing liquidity through midpoint orders by 50% or more relative to the member's July 2022 consolidated volume provided through midpoint orders. This proposal is reasonable because it will provide extra incentive to members that provide non-displayed liquidity to the Exchange to do so through midpoint orders, as well as to grow substantially the extent to which they provide midpoint orders to the Exchange relative to a recent benchmark month. The Exchange believes that if such incentive is effective, then any ensuing increase in midpoint liquidity to the Exchange will once again improve market quality, to the benefit of all participants.

The Exchange believes that it is reasonable to exclude from the supplemental credit orders with midpoint pegging which execute at prices less aggressive than the midpoint of the NBBO because such orders already receive price improvements, such that members do not require additional inducements to enter these orders on the Exchange.

The Exchange notes that those market participants that are dissatisfied with the proposal are free to shift their order flow to competing venues that offer more generous pricing or less stringent qualifying criteria.

The Proposal is an Equitable Allocation of Credits

The Exchange believes its proposal will allocate its charges and credits fairly among its market participants.

The Exchange believes that it is an equitable allocation to establish new transaction credits because the proposal will encourage members to increase the extent to which they add liquidity to the Exchange. To the extent that the Exchange succeeds in increasing the levels of liquidity and activity on the Exchange, then the Exchange will experience improvements in its market quality, which stands to benefit all market participants.

Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

The Proposal is Not Unfairly Discriminatory

The Exchange believes that its proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it enhances price discovery and improves the overall quality of the equity markets.

The Exchange believes that its proposal to adopt new credits is not unfairly discriminatory because the credits are available to all members. Moreover, the proposal stands to

⁵ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁶ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

improve the overall market quality of the Exchange, to the benefit of all market participants, by incentivizing members to increase the extent of their liquidity adding activity on the Exchange. Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage.

As noted above, the Exchange's proposal to add new transaction credits is intended to have market-improving effects, to the benefit of all members. Any member may elect to achieve the levels of liquidity required in order to qualify for the new credits.

The Exchange notes that its members are free to trade on other venues to the extent they believe that the credits are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Intermarket Competition

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed new credits are reflective of this competition because, as

a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume only has 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

The Exchange's proposal to add new transaction credits are pro-competitive in that the Exchange intends for them to increase liquidity addition activity on the Exchange, thereby rendering the Exchange a more attractive and vibrant venue to market participants.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁷

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–NASDAQ–2022–046 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2022–046. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2022–046 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022–17457 Filed 8–12–22; 8:45 am]

BILLING CODE 8011–01–P

⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

⁸ 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17561 and #17562; Kentucky Disaster Number KY-00095]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kentucky (FEMA-4663-DR), dated 07/29/2022.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/26/2022 and continuing.

DATES: Issued on 08/06/2022.

Physical Loan Application Deadline Date: 09/27/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2023.

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: Notice is hereby given that as a result of the President’s major disaster declaration on 07/29/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clay, Floyd, Knott, Martin, Owsley, Perry, Pike.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17561 6 and for economic injury is 17562 0.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022-17411 Filed 8-12-22; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 11819]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Dare to Know: Prints and Drawings in the Age of Enlightenment” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Dare to Know: Prints and Drawings in the Age of Enlightenment” at the Harvard Art Museums, Cambridge, Massachusetts, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022-17510 Filed 8-12-22; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 11821]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition and Storage—Determinations: “Lost Kingdoms of Ancient China” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary storage and display in the exhibition “Lost Kingdoms of Ancient China” at the Asian Art Museum, San Francisco, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned are in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022-17495 Filed 8-12-22; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice: 11820]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “The Tudors: Art and Majesty in Renaissance England” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “The Tudors: Art and Majesty in Renaissance England” at The Metropolitan Museum of Art, New York, New York; the Cleveland Museum of Art, Cleveland, Ohio; the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–17456 Filed 8–12–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11810]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Bruno Munari: The Child Within” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “Bruno Munari: The Child Within” at the Center for Italian Modern Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–17485 Filed 8–12–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2022–0022]

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Highway Project; Idaho Falls, Idaho

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (USDOT).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FHWA, in coordination with the Idaho Department of Transportation (ITD), is issuing this Notice of Intent (NOI) to solicit comment and advise the public, agencies, and stakeholders that an Environmental Impact Statement (EIS) will be prepared for transportation improvements to Interstate 15 (I–15) and United States Highway 20 (US20) in Idaho Falls, Bonneville County, Idaho. Persons and agencies who may be interested in or affected by the proposed project are encouraged to comment on the information in this NOI and the NOI Supplementary Information document. All comments received in response to this Notice of Intent will be considered and any information presented herein, including the preliminary purpose and need, preliminary alternatives and identified impacts, may be revised in consideration of the comments.

DATES: Comments on the NOI or the NOI Supplementary Information documents must be received on or before September 14, 2022.

ADDRESSES: This NOI and the NOI Supplementary Information document are available in the docket referenced above at <http://www.regulations.gov> and on the project website located at <http://i15us20connector.com>. The NOI Supplementary Information document will also be mailed upon request. All interested parties are invited to submit comments by any of the following methods:

- **Website:** For access to the documents, go to the Federal eRulemaking Portal located at <http://www.regulations.gov> or the project website located at <http://i15us20connector.com>. Follow the online instructions for submitting comments.

- **Phone:** Lisa Applebee at (208) 334–9180.

- **Mailing address or for hand delivery or courier:** FHWA Idaho Division, 3050 N Lakeharbor Lane, Boise, ID 83703.

- *Email address: lisa.applebee@dot.gov.*
- *Project email address: comments@i15us20corridor.com.*

All submissions should include the agency name and the docket number that appears in the heading of this Notice. All comments received will be posted without change to <http://www.regulations.gov> or <http://i15us20connector.com>, including any personal information provided.

The Draft EIS will include a summary of the comments received.

FOR FURTHER INFORMATION CONTACT: For further information and/or to get on the project mailing list, contact Lisa Applebee, Operations Engineer, FHWA Idaho Division, 3050 N Lakeharbor Lane, Boise, ID 83703, (208) 334-9180, lisa.applebee@dot.gov; or Karen Hiatt, Program Engineer, Idaho Transportation Department District 6, 206 North Yellowstone Highway, Rigby, ID 83442, (208) 745-7781; karen.hiatt@itd.idaho.gov.

Persons interested in receiving project information can also use the project email address referenced above to be added to the project mailing list.

SUPPLEMENTARY INFORMATION: The FHWA and ITD are committed to public involvement for this project. All public comments received in response to this notice will be considered and potential revisions will be made to the information presented herein as appropriate. The FHWA, as the lead Federal agency, and ITD as joint lead agency/project sponsor, are preparing an EIS to evaluate transportation solutions on I-15 and US20 in Idaho Falls and Bonneville County, Idaho. The EIS will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321, *et seq.*); 23 U.S.C. 139, Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508); FHWA regulations implementing NEPA (23 CFR 771.101-771.139); and applicable Federal, State, and local laws and regulations. Pursuant to 23 U.S.C. 168(d) and FHWA regulations regarding incorporation of the results of transportation planning studies as part of the overall project development process consistent with NEPA, the results of the *I-15/US-20 Planning and Environment Linkages (PEL) Study* completed in December 2020 will be incorporated by reference into the EIS. The NOI Supplementary Information document includes additional details about how the PEL study met the statutory conditions in 23

U.S.C. 168. The PEL study report and related documents are available on the project website at <http://i15us20connector.com>. After completion of the PEL study in December 2020, ITD coordinated with appropriate agencies and major stakeholders to obtain concurrence that the purpose and need, preliminary alternatives, and potentially environmental issues included in the PEL study would be incorporated into the EIS by reference. The interagency planning process for the PEL study has coordination points for the Cooperating Agencies. These coordination points are intended to signify that the information is sufficient for each agency's purpose in the fulfillment of their respective statutory requirements. All public comments will be considered and changes may be made to the proposed project as a result.

To ensure that a full range of issues are addressed in the EIS and potential issues are identified, comments and suggestions are invited from all interested parties. The FHWA requests comments and suggestions on the purpose and need, potential project alternatives and impacts, and the identification of any relevant information, studies, or analyses of any kind concerning impacts to the quality of the human and natural environment. The purpose of this request is to bring relevant comments, information, and analyses to the attention of FHWA and ITD, as early in the process as possible, to enable the agency to make maximum use of this information in decision making.

Purpose and Need for the Proposed Action

The purpose of this project is to address safety, congestion, mobility, and travel time reliability for efficient movement of people, goods, and services on I-15 and US20 in or near Bonneville County and Idaho Falls. Improvements are necessary to address the following needs: unsafe travel conditions caused by substandard weave/merge distances, unacceptable level of service at signalized ramp terminals, and poor pedestrian and bicycle mobility along and across the corridors. The purpose and need may be revised based on comments received during the comment period on this Notice.

Preliminary Description of the Proposed Action and Alternatives the EIS Will Consider

The proposed action is to reconfigure portions of I-15 and US20 through Idaho Falls, including reconfiguration of

the interchange connecting the two highways at Exit 119.

The FHWA/ITD proposes to evaluate two build alternatives and the no action alternative in the EIS. The first build alternative (E3) moves the existing Exit 119 interchange north approximately 2,000 feet and realigns approximately 3,000 feet of US20. The second build alternative (H2) adds a new I-15/US20 interchange approximately two miles north of the existing Exit 119 interchange and realigns approximately three miles of US20. The No Action Alternative assumes no improvements other than those planned by others or implemented as part of routine maintenance.

Additional information on the alternatives, as well as maps and figures illustrating the project location, are provided in the NOI Supplementary Information document available for review in the docket established for this project and on the project website noted in the **ADDRESSES** section. The alternatives may be revised based on the consideration of public comments. The range of reasonable alternatives will be finalized after consideration of comments received during the comment period on this Notice, and will be documented in the Draft EIS (DEIS).

Summary of Expected Impacts

The EIS will evaluate the potential social, economic, and environmental impacts resulting from the implementation of the build alternatives and the no action alternative. During the PEL study, the public and agencies identified which environmental issues and considerations will require the most attention by ITD to minimize project impacts during the environmental review process, as described below.

- *Wetlands and Waters of the United States (U.S.).* Both build alternatives would require fill and removal from Waters of the U.S. considered jurisdictional by the U.S. Army Corps of Engineers (USACE) and also impacts to wetlands considered to be jurisdictional by the Idaho Department of Water Resources and Idaho Department of Lands.

- *Sections 106 and 4(f) Historic Resources.* Both build alternatives have the potential to adversely affect historic properties within the study area. Both alternatives would impact the historic Antares Park neighborhood. In Alternative E3, the relocated I-15/US20 Interchange would impact the historic grain elevators and associated industrial properties adjacent to the Eastern Idaho Railroad. Whereas the Alternative H2 may impact the historic farmstead located near 900 E 49th N and its

historic grain elevators and associated agricultural property.

- **Section 4(f) Public Parks and Recreational Areas.** There is a potential for noise and visual impacts from both build alternatives to public parks and recreational areas that are subject to Section 4(f) protection, including Antares Park, Idaho Falls Greenbelt, and Johns Hole Forebay Park. Both build alternatives would also likely cross the Idaho Falls Riverwalk. However, impacts to the trail would be temporary in nature and include trail detours during construction. Alternative E3 may have minimal impacts to John's Hole Forebay Park and Antares Park. Potential effects to the Section 4(f) properties will be evaluated, avoided or minimized where possible as the project design is refined during the NEPA process and the Section 4(f) evaluation. Based on the preliminary design, it appears that the build alternatives would avoid direct impacts and uses of Russ Freeman Park.

- **Environmental Justice.** There is the potential for adverse impacts to environmental justice communities due to potential relocations as well as noise and visual impacts. Alternative E3 has the potential for direct and indirect impacts to AH Bush Elementary, the Kingdom Hall Jehovah's Witnesses Church and Antares Park, which are located within the environmental justice communities within the study area of the proposed project. Additional analysis and public involvement will be conducted during the NEPA review to assess if either of the two build alternatives would result in any disproportionately high and adverse impacts on the low-income and minority communities.

The EIS will evaluate the expected impacts and benefits to the resources identified above as well as the following other resources: land use and right-of-way, farmland, social and community resources, economics, air quality, transportation, traffic noise, ecosystem resources (wildlife and threatened and endangered species), hazardous waste sites, and visual resources. The level of review of the identified resources for the EIS will be commensurate with the anticipated impacts to each resource from the proposed project and will be governed by the statutory or regulatory requirements protecting those resources. The analyses and evaluations conducted for the EIS will identify the potential for impacts; whether the anticipated impacts would be adverse; and the appropriate environmental mitigation measures. Additional information on the expected impacts is provided in the NOI Supplementary Information

document available for review in the docket established for this project and on the project website as noted in the **ADDRESSES** section. The FHWA and ITD are inviting public input during the NOI comment period. The identification of impacts for analysis in the DEIS may be revised due to the consideration of public comments.

Anticipated Permits and Other Authorizations

Permits and authorizations anticipated for the project include a USACE Section 404 permit under the Clean Water Act (33 U.S.C. 1344) and Section 401 water quality certification (33 U.S.C. 1341). There is a potential that a Land Release Permit may be required from the Federal Aviation Administration under both of the build alternatives. The USACE has agreed to be a Cooperating Agency, the U.S. Environmental Protection Agency has agreed to be a Participating Agency, and the Federal Aviation Administration has agreed to be a Cooperating Agency.

The FHWA and ITD will prepare evaluations under Section 4(f) of the USDOT Act of 1966, 23 CFR part 774, and Section 6(f) of the Land and Water Conservation Fund Act of 1965, 54 U.S.C. 200302; will perform consultation under Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. 300101–307108 concurrently with the NEPA environmental review processes; and will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act of 1973, to determine if additional permits or authorizations are required under any of these authorities.

For the Idaho Falls Regional Airport, a short segment of Alternative E3 would encroach into the Runway 17–35 Protection Zone (RPZ), and Alternative H2 would impact a section of the Runway 20–2 RPZ and the navigable airspace to the northeast of the airport. The ITD will coordinate with the airport sponsor and the FAA to assess and mitigate any impacts to airport safety, and facilitate the required airport land release to ensure the airport sponsor's compliance with all applicable FAA grant assurances.

Schedule for the Decision-Making Process

The project schedule will be established as part of the requirements of the environmental review process under 23 U.S.C. 139 and will comply with 40 CFR 1501.10(b)(2), which requires that environmental reviews and authorization decisions for major infrastructure projects occur within two

years (from the date of publication of the NOI to the date of issuance of the Record of Decision (ROD)), and all necessary authorizations be issued efficiently and in a timely manner, in cooperation with the FHWA. A current draft of the Agency Coordination Plan, the Public Involvement Plan, and a milestone schedule are included with the NOI Supplementary Information document, which is available for review in the docket established for this project and on the project website as noted in the **ADDRESSES** section.

The anticipated project schedule is outlined below:

- **Agency Scoping Meeting:** October 12, 2022
- **Public Scoping Meetings:** October 18, 2022
- **Notice of Availability of the Draft EIS (DEIS):** September 2023
- **Public Hearing:** October 2023
- **End of DEIS Comment Period:** November 2023
- **Issue FEIS/ROD:** August 2024
- **Issue all Project Permits and Authorization Decisions:** December 2024 (if a build alternative is selected)

Description of the Public Scoping Process

Project scoping includes the information developed during the PEL study through agency coordination and public outreach and through coordination activities with resource agencies since the PEL study.

During the PEL study process, resource agencies were consulted regarding potential environmental impacts of the alternatives under consideration and in identifying issues to be addressed during a subsequent NEPA study. In addition, ITD conducted a robust program to involve the community and the public. Public input was requested and received at the following key PEL study milestones:

- Project visioning
- Purpose and Need and project goals
- Screening criteria used for the three levels of screening
- Alternatives development
- Results of Level One, Two, and Three screenings
- Final PEL study recommendations

After the PEL study was published, FHWA and ITD held an early coordination meeting with potential Cooperating and Participating Agencies on June 21, 2021. During the meeting, the agencies reviewed the PEL study findings, including the project purpose and need, the recommended alternatives for NEPA, a summary of key environmental topics, and the study area. The meeting included a discussion

of the anticipated roles and responsibilities of Cooperating or Participating agencies, planned pre-NOI activities, and a NEPA milestone schedule. Following the meeting, the draft Agency Coordination Plan with a project schedule and permitting timetable, the draft Public Involvement Plan, and draft resource analysis methodologies were distributed to the agencies for review and comment.

A formal agency scoping meeting will be held October 12, 2022, and public scoping meeting is scheduled for October 18, 2022. Comments will be received from the agencies and the public during a 30-day comment period following the publication of this NOI. Monthly meetings with Cooperating Agencies and periodic meetings with Participating Agencies will be held throughout the environmental review process. The draft Public Involvement Plan and the draft Agency Coordination Plan included with the NOI Supplementary Information document describe how the public and agencies will continue to be engaged during the EIS. The DEIS will be available for public and agency review and comment prior to the DEIS Public Hearing.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

The NOI Supplementary Information document includes the draft statement of purpose and need; a description of the alternatives to be considered; the Agency Coordination Plan and permitting timetable; the Public Involvement Plan; and a NEPA Milestone Schedule. With this Notice, FHWA and ITD request and encourage State, Tribal, and local agencies, and the public to review the NOI and NOI Supplementary Information document and submit comments on any aspect of the project. Specifically, agencies and the public are asked to identify and submit potential alternatives for consideration and any information, such as anticipated significant issues or environmental impacts and analyses, relevant to the proposed action for consideration by the lead and cooperating agencies in developing the DEIS. Any information presented herein, including the preliminary purpose and need, preliminary range of alternatives and identification of impacts may be revised after consideration of the comments. Comments must be received by September 14, 2022.

There are several methods to submit comments as described in the **ADDRESSES** section of this Notice. Any

questions concerning this proposed action, including comments relative to potential alternatives, information, and analyses, should be directed to FHWA at the physical address, email address, or phone number provided in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

Authority: 42 U.S.C. 4321 *et seq.*; 23 CFR part 771.

Peter J. Hartman,

Division Administrator, Boise, Idaho.

[FR Doc. 2022-17446 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

[Docket No. PHMSA-2021-0085]

Pipeline Safety: Information Collection Activities—Revision to the National Pipeline Mapping System Information Collection

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 this notice announces that the information collection request abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comment. A **Federal Register** notice with a 60-day comment period soliciting comments on the information collection was published on March 11, 2022.

DATES: Interested persons are invited to submit comments on or before September 14, 2022.

ADDRESSES: The public is invited to submit comments regarding this information collection request, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments can also be submitted electronically at www.reginfo.gov/public/do/PRAMain.

FOR FURTHER INFORMATION CONTACT: Angela Hill by telephone at 202-680-2034, by email at angela.dow@dot.gov, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE, PHP-30, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Background

Title 5, Code of Regulations (CFR) section 1320.8(d), requires PHMSA to provide interested members of the

public and affected agencies the opportunity to comment on information collection and recordkeeping requests before they are submitted to OMB for approval. In accordance with this regulation, on March 11, 2022, (87 FR 14097) PHMSA published a **Federal Register** notice with a 60-day comment period soliciting comments on its plan to request a revision to the National Pipeline Mapping System information collection that is currently approved under OMB Control Number 2137-0596. PHMSA received no comments in response to the proposed revision to this information collection request. This notice announces that PHMSA will submit the information collection revision request abstracted below to OMB for approval.

The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection.

PHMSA will request a three-year term of approval for this information collection. PHMSA requests comments on the following information:

1. *Title:* National Pipeline Mapping System Program.

OMB Control Number: 2137-0596.
Expiration Date: 1/31/2023.

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

Abstract: The Pipeline Safety Improvement Act of 2002 (Pub. L. 107-355), 49 U.S.C. 60132, “National Pipeline Mapping System,” requires the operator of a pipeline facility (except distribution lines and gathering lines) to provide information to PHMSA. Each operator is required to submit geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data; the name and address of the person with primary operational control (to be known as its operator); and a means for a member of the public to contact the operator for additional information about the pipeline facilities it operates. Operators will submit the requested data elements once and make annual updates to the data if necessary. These data elements strengthen the effectiveness of PHMSA’s risk rankings and evaluations, which are used as a factor in determining pipeline inspection priority and frequency; allow for more effective assistance to emergency responders by providing them with a more reliable, complete

data set of pipelines and facilities; and provide better support to PHMSA's inspectors by providing more accurate pipeline locations and additional pipeline-related geospatial data that can be linked to tabular data in PHMSA's inspection database.

This revision will require operators to submit geospatial data for moderate consequence areas (MCAs), as defined in 49 CFR part 192, and data based on the applicability of 49 CFR 192.710 assessments outside of high consequence areas. This revision would also require operators to submit the data element "specified minimum yield strength" in pounds per square inch gauge in place of submitting data on pipe grade. PHMSA does not expect operators to incur additional burden due to the inclusion of these two new elements. PHMSA believes that the annual burden allotted for this information collection is sufficient for operators to include the newly requested data elements. A detailed breakdown of the estimated burden for this information collection can be found at www.regulations.gov.

Respondents: Operators of gas transmission, hazardous liquid, or liquefied natural gas pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated Number of Responses: 1,346 responses.

Estimated Total Annual Burden: 162,208 hours.

Frequency of Collection: Annually.
Comments are invited on:

(a) The need for the renewal and revision of this collection of information 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 required to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on August 8, 2022, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,
Associate Administrator for Pipeline Safety.

[FR Doc. 2022-17459 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for

which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before September 14, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 9, 2022.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data			
21407-N	Toyota Motor Corporation	173.185(a)(1)	To authorize the transportation in commerce of prototype lithium batteries via cargo-only aircraft. (mode 4).
21408-N	GFS Chemicals, Inc	173.158(f)(3)	To authorize the transportation in commerce of UN 4G specification packagings for the transport of nitric acid where the primary receptacles are not individually overpacked in tightly closed metal packagings. (modes 1, 3).
21409-N	Evonik Corporation	172.407(c)(1)	To authorize the transportation in commerce of certain oxidizers where the labels are less than 100 mm by 100mm. (modes 1, 3).
21411-N	Thales Alenia Space	172.101(j), 172.300, 173.301(f), 173.302a(a)(1), 173.304a(a)(2), 173.185(a)(1).	To authorize the transportation in commerce of prototype and low production lithium ion batteries and certain Division 2.2 liquefied and compressed gases in non-spec packaging (spacecraft). (modes 1, 3, 4).
21412-N	Transport Logistics International, Inc.	173.420(a)(2), 173.420(a)(3)(i), 173.163.	To authorize the transportation in commerce of uranium hexafluoride in packagings not meeting the requirements of ANSI N14.1. (mode 1).
21413-N	Western International Gas & Cylinders, Inc.	171.12, 173.303(a), 180.205 ..	To authorize the transportation in commerce of acetylene contained in Transport Canada cylinders not authorized for transport within the United States, per 49 CFR 171.12. (mode 1).

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21414-N	Zero Motorcycles Inc	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4).
21415-N	Thales Alenia Space .....	.....	To authorize the transportation in commerce of certain Division 2.2 and 2.3 gases in non-DOT specification cylinders. (modes 1, 3, 4).
21416-N	Paradoxical Holdings, LLC	171.2(k), 172.200, 172.300, 172.400, 172.500, 172.600, 172.700(a).	To authorize the transportation in commerce of certain DOT 3AL, TC/3ALM and UN ISO 7866 cylinders that contain carbon dioxide, with alternative hazard communication. (modes 1, 2, 3).
21417-N	Sodastream USA, Inc	178.70(e)	To authorize the manufacture, mark, sale, and use of UN specification cylinders for which an Independent Inspection Agency has not witnessed all tests and inspections. (modes 1, 2, 3).
21418-N	Kronebusch Industries LLC	178.33a-1	To authorize the transportation in commerce of fire extinguishers where the pressure receptacle does not conform to 49 CFR 173.309. (modes 1, 2).
21419-N	Space Exploration Technologies Corp.	172.300, 172.400, 173.302a ...	To authorize the transportation in commerce of spacecraft and spacecraft components containing non-DOT specification cylinder which are not marked and labeled in accordance with Part 172. (mode 3).

[FR Doc. 2022-17499 Filed 8-12-22; 8:45 am]
 BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of

Transportation’s Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before September 14, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline

and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 9, 2022.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
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Special Permits Data—Granted

8995-M	BASF Corporation	173.315(a), 174.63(c)(1)	To modify the special permit to authorize an additional hazardous material.
15036-M	UTLX Manufacturing Incorporated.	172.203(a), 172.302(c), 173.244, 173.1, 173.3, 173.314, 173.31(e), 179.102-2, 179.102-3, 179.15, 179.16.	To modify the special permit to remove the requirement for visual inspection of areas needing access via cut-out ports in the support structure.
20599-M	County of Orange	172.320, 173.56(b)	To modify the special permit to authorize contractors under the direct control of the county to package and prepare shipments under the special permit.
21307-N	Packaging And Crating Technologies, LLC.	172.200, 172.300, 172.400, 172.700(a).	To authorize the manufacture, mark, sale and use of packaging for purposes of “offering or reoffering” lithium batteries for recycling, reuse, refurbishment, repurposing or evaluation without requiring shipping papers, marks, labels, or training.
21354-N	Showa Chemicals of America, Inc.	173.304a	To authorize the use of non-DOT specification cylinders similar to DOT 4BW specification cylinders.
21360-N	ABG Bag, Inc	173.12(b)(2)(ii)(C), 178.707(d)	To authorize the use of alternative packaging for the transportation in commerce of lab packs.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21400-N	Advance Research Chemicals, Inc.	173.163(a)	To authorize the transportation in commerce of a DOT specification 3AA2400 cylinder, containing anhydrous hydrogen fluoride, with a leak in the valve which has been repaired temporarily using a Cylinder Emergency "A" Kit.
21403-N	Northrop Grumman Systems Corporation.	173.185(a)(1), 173.185(a)(2) ..	To authorize the transportation in commerce of prototype, low production, and production lithium ion batteries and lithium ion batteries contained in equipment (avionic computers).
21405-N	PM4 Enterprises, Inc	172.101(j), 173.185(a)(1)	To authorize the transportation in commerce of lithium ion batteries contained in equipment (Unmanned Ground Vehicle (UGV)) each with a battery net weight exceeding 35 kg aboard cargo-only aircraft.

Special Permits Data—Denied

21389-N	Honeywell International Inc	178.44, 178.44, 178.44	To authorize the manufacture, mark, sell and use of non-DOT specification welded pressure vessels comparable to DOT 3HT cylinders with certain exceptions.
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Special Permits Data—Withdrawn

21332-N	Advanced Material Systems Corporation.	173.302(f)(1)	To authorize the transportation in commerce of ISO 11119-2 cylinders containing oxygen via cargo-only aircraft.
21364-N	Cenergy Solutions Inc	172.101(i)(3), 173.302	To authorize the transportation in commerce of methane contained in MC-331 cargo tanks via highway.
21372-N	Solid Power, Inc	173.35(e)	To authorize the transportation in commerce of residue contained in IBCs where the closure nearest to the hazardous materials cannot be secured.

[FR Doc. 2022-17501 Filed 8-12-22; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modification to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety

has received the application described herein.

DATES: Comments must be received on or before August 30, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 29, 2022.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
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Special Permits Data

14193-M	Honeywell International Inc	172.101(h)	To modify the special permit to authorize additional portable tanks. (modes, 1, 2, 3).
20482-M	Solid Power Operating, Inc	173.35(e)	To modify the special permit to authorize an additional hazardous material. (mode 1).
20881-M	Arkema Inc	172.102(c)(7), 173.201(c)	To modify the special permit to authorize the transportation of the non-UN portable tanks from Arkema Inc. to customer sites and between customer sites. (mode 1).
21074-M	Zhejiang Meenyu Can Industry Co., Ltd.	173.304(a), 173.304(d)	To modify the special permit to authorize additional inside metal containers. (modes 1, 2, 3).

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21351-M	Bolloré Logistics Germany GmbH.	172.101(j), 172.300, 172.400, 173.301(f), 173.302a(a)(1), 173.185(a)(1).	To modify the special permit to authorize multiple heat pipes in each outer transport container. (modes 1, 3, 4).

[FR Doc. 2022-17500 Filed 8-12-22; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for the Appointment to the Advisory Committee on Tribal and Indian Affairs, Indian Health Service, Billing Area Representative

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Office of Public and Intergovernmental Affairs (OPIA), Office of Tribal Government Relations (OTGR), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Tribal and Indian Affairs (“the Committee”) to represent the Indian Health Service, Billing Area.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on September 2, 2022.

ADDRESSES: All nomination packages (Application, should be mailed to the Office of Tribal Government Relations, 810 Vermont Ave. NW, Suite 915H (075), Washington, DC 20420 or email us at tribalgovernmentconsultation@va.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Stephanie Birdwell and David “Clay” Ward, Office of Tribal Government Relations, 810 Vermont Ave. NW, Ste 915H (075), Washington, DC 20420, Telephone (202) 461-7400. A copy of the Committee charter can be obtained by contacting Mr. David “Clay” Ward or by accessing the website managed by OTGR at <https://www.va.gov/TRIBALGOVERNMENT/index.asp>.

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include, but not limited to:

- (1) Identify for the Department evolving issues of relevance to Indian tribes, tribal organizations and Native American Veterans relating to programs and services of the Department;
- (2) Propose clarifications, recommendations and solutions to address issues raised at tribal, regional

and national levels, especially regarding any tribal consultation reports;

(3) Provide a forum for Indian tribes, tribal organizations, urban Indian organizations, Native Hawaiian organizations and the Department to discuss issues and proposals for changes to Department regulations, policies and procedures;

(4) Identify priorities and provide advice on appropriate strategies for tribal consultation and urban Indian organizations conferring on issues at the tribal, regional, or national levels;

(5) Ensure that pertinent issues are brought to the attention of Indian tribes, tribal organizations, urban Indian organizations and Native Hawaiian organizations in a timely manner, so that feedback can be obtained;

(6) Encourage the Secretary to work with other Federal agencies and Congress so that Native American Veterans are not denied the full benefit of their status as both Native Americans and Veterans;

(7) Highlight contributions of Native American Veterans in the Armed Forces;

(8) Make recommendations on the consultation policy of the Department on tribal matters;

(9) Support a process to develop an urban Indian organization confer policy to ensure the Secretary confers, to the maximum extent practicable, with urban Indian organizations; and

(10) With the Secretary’s written approval, conduct other duties as recommended by the Committee.

Authority: The Committee was established in accordance with section 7002 of Public Law 116-315 (H.R. 7105—Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020). In accordance with Public Law 116-315, the Committee provides advice and guidance to the Secretary of Veterans Affairs on all matters relating to Indian tribes, tribal organizations, Native Hawaiian organizations and Native American Veterans. The serves in an advisory capacity and advises the Secretary on ways the Department can improve the programs and services of the Department to better serve Native American Veterans. Committee makes recommendations to the Secretary regarding such activities. Nominations of qualified candidates are being sought

to fill the current vacancy on the Committee.

Membership Criteria: OTGR is requesting nominations for the current vacancy on the Committee. The Committee is composed of 15 members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including:

(1) At least one member of each of the 12 service areas of the Indian Health Service is represented in the membership of the Committee nominated by Indian tribes or tribal organization.

(2) At least one member of the Committee represents the Native Hawaiian Veteran community nominated by a Native Hawaiian Organization.

(3) At least one member of the Committee represents urban Indian organizations nominated by a national urban Indian organization.

(4) Not fewer than half of the members are Veterans, unless the Secretary determines that an insufficient number of qualified Veterans were nominated.

(5) No member of the Committee may be an employee of the Federal Government. In accordance with Public Law 116-315, the Secretary determines the number and terms of service for members of the Committee, which are appointed by the Secretary, except that a term of service of any such member may not exceed a term of two years. Additionally, a member may be reappointed for one additional term at the Secretary’s discretion.

Professional Qualifications: In addition to the criteria above, VA seeks—

- (1) Diversity in professional and personal qualifications;
- (2) Experience in military service and military deployments (please identify your Branch of Service and Rank);
- (3) Current work with Veterans;
- (4) Committee subject matter expertise; and
- (5) Experience working in large and complex organizations.

Requirements for Nomination Submission

Nominations should be type written (one nomination per nominator). Nomination package should include: (1) a letter of nomination that clearly states

the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae or resume, *not to exceed five pages* and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

The individual selected for appointment to the Committee shall be invited to serve a two-year term. All

members will receive travel expenses and a per diem allowance in accordance with the Federal Travel Regulations for any travel made in connection with their duties as members of the Committee.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males & females, racial and ethnic minority groups, and Veterans with disabilities are given consideration for membership. Appointment to this Committee shall be

made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: August 9, 2022.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2022-17423 Filed 8-12-22; 8:45 am]

BILLING CODE P



FEDERAL REGISTER

Vol. 87

Monday,

No. 156

August 15, 2022

Part II

Securities and Exchange Commission

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.;
Notice of Filing of a Proposed Rule Change To Amend the Codes of
Arbitration Procedure To Modify the Current Process Relating to the
Expungement of Customer Dispute Information; Notice

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95455; File No. SR–FINRA–2022–024]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Codes of Arbitration Procedure To Modify the Current Process Relating to the Expungement of Customer Dispute Information

August 9, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on July 29, 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, II, and III below, which Items have been prepared by FINRA. 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 amend the Code of Arbitration Procedure for Customer Disputes (“Customer Code”) and the Code of Arbitration Procedure for Industry Disputes (“Industry Code”) (together, “Codes”) to modify the current process relating to the expungement of customer dispute information.

The proposed rule change would amend the Codes to impose requirements on expungement requests (a) filed by an associated person during an investment-related, customer-initiated arbitration (“customer arbitration”), or filed by a party to the customer arbitration on behalf of an associated person (“on-behalf-of request”), or (b) filed by an associated person separate from a customer arbitration (“straight-in request”). Specifically, the proposed rule change would: (1) require that a straight-in request be decided by a three-person panel that is randomly selected from a roster of experienced public arbitrators with enhanced expungement training;³

(2) prohibit parties to a straight-in request from agreeing to fewer than three arbitrators to consider their expungement requests, striking any of the selected arbitrators, stipulating to an arbitrator’s removal, or stipulating to the use of pre-selected arbitrators; (3) provide notification to state securities regulators of all expungement requests and a mechanism for state securities regulators to attend and participate in expungement hearings in straight-in requests; (4) impose strict time limits on the filing of straight-in requests; (5) codify and update the best practices in the Notice to Arbitrators and Parties on Expanded Expungement Guidance (“Guidance”) applicable to all expungement hearings, including amendments to establish additional requirements for expungement hearings, to facilitate customer attendance and participation in expungement hearings and to codify the panel’s⁴ ability to request any evidence relevant to the expungement request;⁵ (6) require the unanimous agreement of the panel to issue an award containing expungement relief; and (7) establish procedural requirements for filing expungement requests, including for on-behalf-of requests. The proposed rule change would also amend the Customer Code to specify procedures for requesting expungement of customer dispute information during simplified arbitrations.

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,

the financial industry. See FINRA Rules 12100(aa) and 13100(x).

⁴ Under the Codes, the term “panel” means the arbitration panel, whether it consists of one or more arbitrators. See FINRA Rules 12100(u) and 13100(s). Unless otherwise specified, the rule filing uses the term “panel” to mean either a panel or single arbitrator.

⁵ See FINRA Dispute Resolution Services, Notice to Arbitrators and Parties on Expanded Expungement Guidance, <https://www.finra.org/arbitration-and-mediation/notice-arbitrators-and-parties-expanded-expungement-guidance> (last updated Sept. 2017).

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

I. Background and Discussion

A. Overview

Over the course of many years, FINRA has adopted a number of rules⁶ governing the use of the arbitration forum administered by FINRA Dispute Resolution Services (“DRS”) to seek expungement of customer dispute information.⁷ These rules seek to balance the interests of securities regulators in having accurate and relevant information to fulfill their regulatory responsibilities; the interests of investors in having access to accurate and meaningful information about associated persons with whom they may entrust their money; the interests of broker-dealer firms in having accurate information for use in making informed employment decisions; and the interests of the brokerage community in having a fair process to address inaccurate customer dispute information.

FINRA is concerned, however, that the current expungement process is not working as intended—as a remedy that is appropriate only in limited circumstances in accordance with the narrow standards in FINRA rules. As a result, over the past several years, FINRA has taken numerous, meaningful steps to address the concerns that FINRA and other interested parties have identified with the current expungement process⁸ and to enhance that process, including by:

- publishing *Regulatory Notice* 17–42 to seek comment on proposed changes

⁶ A chronology of the steps FINRA has taken to strengthen the expungement framework is available at <https://www.finra.org/rules-guidance/key-topics/expungement>.

⁷ The DRS arbitration forum is operated in accordance with rules approved by the SEC and is subject to ongoing oversight by the SEC. Decisions in the DRS arbitration forum are made by independent arbitrators selected by the parties, not by DRS staff. In almost every arbitration proceeding seeking expungement of customer dispute information, all or a majority of the arbitrators reviewing requests for expungement are public arbitrators (who, among other requirements, have never been employed in the securities industry). See also *supra* note 3. DRS’s role in the arbitration process is to administer cases brought to the DRS arbitration forum in a neutral, efficient and fair manner.

⁸ See *infra* Item II.A.1.I.D., “Concerns With the Current Expungement Process,” (discussing concerns with the current expungement process).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Among other requirements, public arbitrators are not employed in the securities industry and do not devote 20 percent or more of their professional work to the securities industry or to parties in disputes concerning investment accounts or transactions or employment relationships within

to further enhance the current expungement process;⁹

- amending FINRA rules to apply minimum fees to requests for expungement of customer dispute information to address concerns about practices to avoid fees that were intended to be applicable to expungement requests;¹⁰ and
- in September 2020, filing with the SEC a rule filing to make several significant enhancements to the current expungement process by establishing special arbitration procedures for expungement requests (“2020 Rule Filing”).¹¹

On May 28, 2021, following discussions with SEC staff, FINRA withdrew the 2020 Rule Filing from the SEC in order to consider whether modifications to the filing were appropriate in response to concerns raised by SEC staff and commenters.¹²

⁹ Regulatory Notice 17–42 (December 2017) (“Notice”), <https://www.finra.org/rules-guidance/notices/17-42>. The Notice requested comment on, among other things: establishing a roster of public chairpersons with additional training and experience from which a panel would be selected to decide straight-in requests; imposing time limits on when an associated person can request expungement in a straight-in request; limiting an associated person who is named as a party in a customer arbitration to one opportunity to request expungement, and that opportunity must be exercised during the customer arbitration; codifying a party’s ability to request expungement on behalf of an associated person who is the subject of a customer arbitration, but unnamed, and establishing procedures for such requests; and applying a minimum fee to expungement requests.

¹⁰ An expungement request is a non-monetary or not specified claim (“non-monetary claim”). The fees applicable to non-monetary claims are higher than those applicable to small monetary claims. See FINRA Rule 13900(a)(1). If an associated person files a straight-in request and does not add a monetary claim to the request, the associated person will be assessed the filing fee associated with a non-monetary claim. The Codes require that non-monetary claims are decided by a three-person panel unless the parties agree in writing to one arbitrator. See FINRA Rules 12401 and 13401. FINRA amended the Codes to apply minimum fees to expungement requests, whether the request is made as part of the customer arbitration or the associated person files a straight-in request. As a result of the amendments, parties requesting expungement can no longer avoid the fees intended for such requests under the Codes or automatically qualify for a single arbitrator. The amendments also apply a minimum process fee and member surcharge to straight-in requests, as well as a minimum hearing session fee to expungement-only hearings. See Securities Exchange Act Release No. 88945 (May 26, 2020), 85 FR 33212 (June 1, 2020) (Order Approving File No. SR–FINRA–2020–005); see also Regulatory Notice 20–25 (July 20, 2020) (announcing a September 14, 2020 effective date), <https://www.finra.org/rules-guidance/notices/20-25>.

¹¹ See *infra* note 263. The 2020 Rule Filing, comments received in response to the filing and FINRA’s responses to the comments are discussed below in Item ILC.

¹² See FINRA Statement on Temporary Withdrawal of Specialized Arbitrator Roster Rule Filing (May 28, 2021), <https://www.finra.org/media-center/newsreleases/2021/finra-statement-temporary-withdrawal-specialized-arbitrator-roster>.

At that time, FINRA indicated its intent to continue pursuing enhancements to the current expungement process, while also continuing discussions with the North American Securities Administrators Association (“NASAA”) and other interested parties regarding a more fundamental redesign of the current expungement process, separate from and in addition to the changes included in the 2020 Rule Filing.¹³

FINRA believes the proposed amendments discussed below are responsive to the concerns that have been identified with the current expungement process and would help protect the integrity of the Central Registration Depository (“CRD®”), the central licensing and registration system used by the U.S. securities industry and its regulators,¹⁴ by making substantial improvements to the current expungement process. Key proposed changes include:

➤ *For All Requests for Expungement of Customer Dispute Information:*

- Requiring that the panel deciding the expungement request issue an award containing expungement relief only if the panel unanimously finds that the information to be expunged is factually impossible, clearly erroneous or false, or that the associated person was not involved in the alleged misconduct.
- Providing state securities regulators with notification of all expungement requests.
- Requiring associated persons to appear at the expungement hearing in person or by video conference.
- Facilitating customer attendance and participation by notifying customers of the time, date and place of any prehearing conferences and the expungement hearing; codifying that customers are entitled to attend and participate in prehearing conferences and the expungement hearing and to be represented, if they choose; and providing customers with access to all relevant documents filed in the arbitration.
- Specifically authorizing the panel to request any documentary, testimonial

¹³ See *supra* note 12. In addition, FINRA recently published a Discussion Paper on Expungement of Customer Dispute Information (April 2022) (“Discussion Paper”), https://www.finra.org/sites/default/files/2022-04/Expungement_Discussion_Paper.pdf. The Discussion Paper provides background and data regarding expungement of customer dispute information and explores potential alternatives to the current expungement process. The Discussion Paper also explains how the proposed changes in the 2020 Rule Filing would address key concerns with the current expungement process and that FINRA’s Board of Governors was continuing to consider further changes to enhance the 2020 Rule Filing.

¹⁴ See *infra* note 18 and accompanying text (discussing the CRD system).

or other evidence that it deems relevant from the broker-dealer firm or associated person seeking expungement.

- Requiring that the panel provide enough detail in the award to explain its rationale for including expungement relief in the award.

- Precluding an associated person from requesting expungement of customer dispute information if a panel previously considered the merits of, or a court previously denied, a request to expunge the same customer dispute information.

- Prohibiting an associated person who withdraws an expungement request from refileing the request at a later date, thereby preventing “arbitrator shopping.”

➤ *For Straight-in Requests:*¹⁵

- Imposing strict time limits within which associated persons may request expungement—DRS would deny the DRS arbitration forum if the expungement request is made:
 - more than three years after the date the customer complaint was initially reported in the CRD system (if the customer complaint does not evolve into a customer-initiated arbitration or civil litigation); or
 - more than two years after the close of the customer-initiated arbitration or civil litigation associated with the customer dispute information.
- Requiring that straight-in requests be filed under the Industry Code against the broker-dealer firm at which the associated person was associated at the time of the events giving rise to the customer dispute.
- Permitting an authorized representative of state securities regulators to attend and participate as a non-party in prehearing conferences and the expungement hearing to the same extent as customers could attend and participate.
- Requiring that all straight-in requests be decided by a three-person panel, randomly selected from a roster of experienced public arbitrators with enhanced expungement training and with no significant ties to the industry (“Special Arbitrator Roster”).

¹⁵ As discussed in more detail below, under the proposed amendments, a straight-in request would include a request to expunge customer dispute information from the CRD system filed under the Industry Code: (1) by an associated person named in a customer arbitration after the customer arbitration closes other than by award or by award without a hearing; (2) arising from a customer complaint or civil litigation rather than a customer arbitration; or (3) by an associated person who was the subject of a customer arbitration, but unnamed, and where a named party in the customer arbitration did not request expungement on behalf of the unnamed associated person, or where a named party made an on-behalf-of request, but the customer arbitration closed other than by award or by award without a hearing.

- Prohibiting the parties from: (1) agreeing to fewer than three arbitrators to consider their expungement requests; (2) striking any of the selected arbitrators; (3) stipulating to an arbitrator's removal; or (4) stipulating to the use of pre-selected arbitrators.¹⁶

➤ *For Expungement Requests Considered During a Customer Arbitration:*

- Requiring an associated person named in a customer arbitration to request expungement during that customer arbitration or forfeit the opportunity to request expungement in any subsequent proceeding, thereby ensuring that the panel that hears the full merits of a customer arbitration also reviews a related expungement request.

- Conditioning and limiting the ability of a party to a customer arbitration to request expungement during the customer arbitration on behalf of an associated person who is the subject of a customer arbitration, but unnamed, so that the associated person cannot later claim they were not aware of the prior expungement request made on their behalf.

Prior to discussing each of the proposed amendments, FINRA provides below background information regarding the reporting of customer dispute information to the CRD system and its public disclosure through BrokerCheck®,¹⁷ the current process for requesting expungement through the DRS arbitration forum and concerns regarding the current process.

B. Customer Dispute Information in the CRD System

FINRA is mandated by federal statute to collect and maintain registration information about broker-dealer firms and their associated persons. To satisfy this statutory responsibility, FINRA operates the CRD system, the central licensing and registration system used by FINRA, the SEC, other self-regulatory organizations (“SROs”), state securities regulators and broker-dealer firms.¹⁸

¹⁶ Under the Codes, the DRS arbitrator selection process uses the Neutral List Selection System (“NLSS”), a computer algorithm, to generate lists of arbitrators on a random basis from DRS’s rosters of arbitrators for the selected hearing location. After the parties receive the arbitrator lists, the parties select their panel through a process of striking and ranking the arbitrators on the lists. Under the proposed amendments, NLSS would randomly select three arbitrators from the Special Arbitrator Roster to consider the straight-in request. The parties, whose interests may be aligned, would not have the ability to select the arbitrators.

¹⁷ See *infra* note 22 and accompanying text.

¹⁸ The concept for the CRD system was developed by FINRA jointly with NASAA. The CRD system fulfills FINRA’s statutory obligation to establish and maintain a system to collect and retain registration information set forth in Section 15A(i) of the

FINRA operates the CRD system pursuant to policies developed by FINRA and NASAA. FINRA, state securities regulators and the SEC use the CRD system as an important source of regulatory information to help inform registrations, examinations, investigations and disciplinary actions to protect investors and safeguard the markets. In addition, broker-dealer firms use information in the CRD system to help them make informed employment decisions.¹⁹

In general, the information in the CRD system is reported by registered broker-dealer firms, associated persons and regulatory authorities in response to questions on the uniform registration forms.²⁰ These forms are used to collect registration information, which includes, among other things, administrative, regulatory, criminal history, financial and other information about associated persons, such as investment-related, customer-initiated arbitrations, civil litigations or customer complaints (*i.e.*, “customer dispute information”). Customer dispute information maintained in the CRD system is reported through Forms U4 and U5.²¹

Pursuant to rules approved by the SEC and pursuant to its statutory mandate, FINRA makes specific CRD information publicly available through BrokerCheck.²² BrokerCheck is a free

Exchange Act. NASAA and state regulators play a critical role in the ongoing development and implementation of the CRD system.

¹⁹ As of December 31, 2021, over 60 million registrations for associated persons have been processed through the CRD system over a period spanning more than 20 years.

²⁰ The uniform registration forms are Form BD (Uniform Application for Broker-Dealer Registration), Form BDW (Uniform Request for Broker-Dealer Withdrawal), Form BR (Uniform Branch Office Registration Form), Form U4 (Uniform Application for Securities Industry Registration or Transfer), Form U5 (Uniform Termination Notice for Securities Industry Registration) and Form U6 (Uniform Disciplinary Action Reporting Form).

²¹ FINRA, NASAA and state securities regulators developed Forms U4 and U5. Any amendments to these uniform registration forms require collaboration with, and agreement between FINRA, NASAA and state securities regulators before being filed with the SEC for approval. Several questions on Forms U4 and U5 require associated persons to disclose certain investment-related, customer-initiated arbitrations, civil litigations or customer complaints which allege sales practice violations. See Form U4, Question 14I, <https://www.finra.org/sites/default/files/form-u4.pdf> and Form U5, Question 7E, <https://www.finra.org/sites/default/files/form-u5.pdf>.

²² BrokerCheck fulfills FINRA’s statutory obligation under Section 15A(i) of the Exchange Act to establish and maintain a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information on, among others, broker-dealer firms and associated persons. A detailed description of the information made available through

tool available on FINRA’s website to help investors make informed choices about the associated persons and broker-dealer firms with whom they may conduct business.²³ As part of its statutory obligation, FINRA publishes on BrokerCheck extensive disclosure information, including customer dispute information for associated persons who are currently or were formerly registered with FINRA.²⁴

The collection of registration information in the CRD system and the disclosure of the information through BrokerCheck serves three important purposes: (1) allowing investors to obtain information about an associated person or broker-dealer firm with whom they may do business; (2) providing securities regulators with a critical regulatory tool in overseeing the activities of associated persons and in detecting regulatory problems; and (3) providing broker-dealer firms with information for use in making informed employment decisions. The value of the information is dependent on its completeness and accuracy. The absence of accurate information, as well as the presence of clearly inaccurate information, decreases the reliability and hence the value of the disclosure regime.

Sometimes, associated persons seek to remove, or “expunge,” customer dispute information from the CRD system and, thereby, from BrokerCheck. To do this, FINRA rules require that an associated person must obtain an order from a court of competent jurisdiction (1) directing such expungement or (2) confirming an arbitration award containing expungement relief.²⁵ FINRA will expunge customer dispute information from the CRD system only pursuant to a court order.

As discussed in more detail below, FINRA rules specify a narrow set of

BrokerCheck is available at <http://www.finra.org/investors/about-brokercheck>.

²³ In 2021 alone, almost 38.3 million searches of firms and financial professionals were conducted on BrokerCheck.

²⁴ As of December 31, 2021, BrokerCheck disclosed information about approximately 3,400 broker-dealer firms and approximately 612,000 associated persons. BrokerCheck also disclosed information about more than 17,000 broker-dealer firms and 548,000 associated persons formerly registered with FINRA. Formerly registered associated persons, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors. Pursuant to FINRA rules which are approved by the SEC, records for formerly registered associated persons are available in BrokerCheck for 10 years after an associated person leaves the brokerage industry, and associated persons who are the subject of disciplinary actions and certain other disclosure events remain on BrokerCheck permanently.

²⁵ See FINRA Rule 2080.

circumstances in which expungement of customer dispute information from the CRD system is appropriate. An arbitrator considering an expungement request in the DRS arbitration forum must make a finding that the information to be expunged is factually impossible, clearly erroneous or false, or that the associated person was not involved in the alleged misconduct.²⁶ When these standards were approved by the SEC, it was contemplated that expungement would be an extraordinary remedy that would be allowed only in these limited circumstances.²⁷

C. Requesting Expungement Through the DRS Arbitration Forum

The process of seeking expungement through the DRS arbitration forum originally developed when associated persons who were not found liable in a customer arbitration asked the panel in that same case to expunge the underlying customer dispute from the CRD system. Use of the DRS arbitration forum for expungement subsequently expanded when associated persons began requesting expungement through straight-in requests. Typically, these straight-in requests for expungement are filed after the customer arbitration settles or where a customer complaint has not evolved into a customer arbitration. Straight-in requests present inherent difficulties and panels deciding straight-in requests issue awards containing expungement relief more often than panels deciding expungement requests made in customer arbitrations.²⁸

For either type of expungement request initiated in the DRS arbitration forum, an independent arbitrator or a panel of independent arbitrators decides whether the party requesting expungement has established one of the Rule 2080(b)(1) grounds for expungement.²⁹ Pursuant to FINRA rules, in order to issue an award containing expungement relief, the panel shall first hold a recorded hearing session regarding the appropriateness of expungement of the customer dispute information, and in cases involving

settlements, review settlement documents and consider the amount of payments made to any party and any other terms and conditions of the settlement.³⁰

FINRA rules also require the panel to specify in the award which of the Rule 2080(b)(1) grounds serves as a basis for the expungement order and provide a brief written explanation of the reasons for its finding that one or more of the Rule 2080(b)(1) grounds applies to the facts of the case.³¹ Thus, to include expungement relief in an award, the panel must find that: (1) the claim, allegation or information is factually impossible or clearly erroneous; (2) the associated person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds; or (3) the claim, allegation or information is false.³² Arbitration awards are final and binding unless vacated based on one of the limited grounds set forth in applicable state or federal statutes.³³

These FINRA rules are supplemented with extensive guidance and training provided to DRS's independent arbitrators. DRS has enhanced its expungement training for arbitrators to emphasize the importance of the information in the CRD system and BrokerCheck, and to underscore the arbitrator's important role in maintaining the relevancy and integrity

of the information in those systems. DRS requires arbitrators to take mandatory online training on expungement to be eligible to serve as an arbitrator. The training includes materials that arbitrators should review when considering expungement requests, with a particular focus on the Guidance, first published in 2013 and expanded further periodically thereafter.³⁴ The Guidance explains the requirements of FINRA Rules 12805 and 13805 and provides arbitrators with best practices and recommendations to follow when deciding expungement requests.³⁵

As stated above, FINRA will expunge customer dispute information from the CRD system only pursuant to a court order. FINRA Rule 2080, which was developed in close consultation with representatives of NASAA and state securities regulators, provides that associated persons seeking expungement of customer dispute information from the CRD system must obtain an order from a court of competent jurisdiction directing expungement relief or confirming an arbitration award that contains expungement relief.³⁶ If a court directs

³⁴ See Guidance, *supra* note 5.

³⁵ See Guidance, *supra* note 5. DRS also periodically provides additional materials to arbitrators to keep them informed about any changes to the expungement rules or DRS arbitration forum practices. DRS offers an updated online "Neutral Workshop" on expungement, which further emphasizes the best practices described in the Guidance. A Neutral Workshop is an online discussion between or among experienced arbitrators on a specific arbitration topic, with a DRS staff member as a moderator. The discussions are posted on FINRA's website as a free, educational tool. Additional information about expungement rules and DRS arbitration forum practices have been provided to arbitrators via a number of articles in a DRS staff quarterly newsletter, *The Neutral Corner*, which provides arbitrators and mediators with updates on important rules and procedures within the DRS arbitration forum and is distributed to FINRA neutrals (arbitrators and mediators) and published on FINRA's website. See, e.g., *The Neutral Corner Volume 1–2016* (Changes to Expungement Requests), https://www.finra.org/sites/default/files/The_Neutral_Corner_Volume_1_2016_0.pdf; *The Neutral Corner Volume 4–2015* (Questions and Answers: Parties Making Second Expungement Requests After Previous Denial), https://www.finra.org/sites/default/files/The_Neutral%20Corner_Volume_4_2015.pdf; *The Neutral Corner Volume 1–2015* (Updated Expungement Guidance), https://www.finra.org/sites/default/files/Neutral_Corner_Volume.1_2015.pdf; and *The Neutral Corner Volume 3–2014* (Prohibited Conditions Relating to Expungement of Customer Dispute Information; Expanded Expungement Guidance; Questions and Answers: Expungement; Expungement Training; Updated to Include Rule 2081), https://www.finra.org/sites/default/files/Neutral%20Corner_Volume%203_0.pdf.

³⁶ FINRA Rule 2080(a). FINRA Rule 2080 also requires that FINRA be named as an additional

³⁰ See FINRA Rules 12805 and 13805.

³¹ See *supra* note 30; see also Securities Exchange Act Release No. 58886 (October 30, 2008), 73 FR 66086, 66087 (November 6, 2008) (Order Approving File No. SR-FINRA-2008-010) (stating that new Rules 12805 and 13805 require the arbitration panel to indicate "which of the grounds for expungement in Rule [2080](b)(1)(A)–(C) serves as the basis for the expungement . . ."); *Regulatory Notice 08–79* (December 2008) (stating that "[t]he arbitration panel must indicate which of the grounds for expungement under Rule [2080](b)(1)(A)–(C) serve as the basis for their expungement order, and provide a brief written explanation of the reasons for ordering expungement"); FINRA Dispute Resolution Services Arbitrators Guide, p. 74, <https://www.finra.org/sites/default/files/arbitrators-ref-guide.pdf> (explaining that "FINRA Rule 2080 establishes procedures to ensure that expungement occurs only when the arbitrators find and document one of [the three grounds that are listed in FINRA Rule 2080(b)]"); Guidance, *supra* note 5. DRS's Basic Arbitrator Training Program also explains that expungement may occur only after the arbitrators find and document one of these three grounds. See also *infra* note 162.

³² See FINRA Rules 2080(b)(1), 12805 and 13805.

³³ Arbitration awards are subject to very limited judicial review under the Federal Arbitration Act and state arbitration statutes. A court of competent jurisdiction will typically confirm an award unless it is vacated or modified. Generally, an award that contains expungement of customer dispute information will not be vacated unless there is evidence that the panel exceeded its authority, was biased, or engaged in misconduct. See 9 U.S.C. 10 (providing grounds for vacatur of an arbitration award under the Federal Arbitration Act).

²⁶ See FINRA Rules 2080, 12805 and 13805.

²⁷ See Securities Exchange Act Release No. 58886 (October 30, 2008), 73 FR 66086 (November 6, 2008) (Order Approving File No. SR-FINRA-2008-010).

²⁸ From January 2016 to December 2021 (the "sample period"), an arbitrator or panel issued awards containing expungement relief in response to 58 percent of requests made during a customer arbitration but issued awards containing expungement relief in response to 84 percent of straight-in requests. See *infra* Item II.B.2., "Economic Baseline," for further discussion.

²⁹ See *infra* note 31 and accompanying text (discussing the grounds for issuing an award containing expungement relief).

expungement or confirms an arbitration award containing expungement, the customer dispute information is removed from the CRD system, and is no longer made public through BrokerCheck.

D. Concerns With the Current Expungement Process

While commenters have raised concerns generally about associated persons' use of the DRS arbitration forum to seek expungement, their concerns have been particularly focused on straight-in requests. Some of these concerns, however, also apply to expungement requests filed in customer arbitrations that settle, where the panel from the customer arbitration then holds a hearing to consider the expungement request.³⁷

First, straight-in requests often involve aged customer dispute information reported on the associated person's CRD record a number of years prior to the expungement request.³⁸ As

party in any court proceeding related to the expungement of customer dispute information, unless FINRA waives being named. See FINRA Rule 2080(b).

³⁷ Concerns with the expungement process were previously considered by the FINRA Dispute Resolution Task Force ("Task Force"), whose members included representatives from the industry and the public with a broad range of interests in securities dispute resolution. See FINRA Dispute Resolution Task Force, <https://www.finra.org/arbitration-mediation/finra-dispute-resolution-task-force>. FINRA formed the Task Force to consider possible enhancements to the DRS arbitration and mediation forum. At the time, the Task Force noted that the majority of issues that arise in the expungement process are those involving settled cases that do not go to final resolution because in such cases: (1) the panel selected by the parties may not have heard the full merits of the customer dispute and, therefore, may not bring to bear any special insights in determining whether to grant an expungement request and (2) claimants or their counsel have little incentive to participate in an expungement hearing once their dispute has been settled. The Task Force unanimously recommended, in its final report, the creation of a special arbitration panel consisting of experienced arbitrators from the chairperson roster who have received enhanced training on expungement to decide expungement requests in settled customer arbitrations. See Final Report and Recommendations of the FINRA Dispute Resolution Task Force (Dec. 16, 2015), <http://www.finra.org/sites/default/files/Final-DR-task-force-report.pdf>. The Task Force issued its final report with 51 recommendations. DRS has taken action on all of the 51 recommendations. See FINRA Dispute Resolution Task Force Recommendations Final Status Report (Jan. 15, 2019), https://www.finra.org/sites/default/files/DR_task_report_status_011519.pdf.

³⁸ FINRA rules provide that no claim shall be eligible for submission to arbitration under the Codes where six years have elapsed from the occurrence or event giving rise to the claim. See FINRA Rules 12206(a) and 13206(a). This six-year eligibility rule applies to all arbitration claims, including those requesting expungement of customer dispute information. The issue of eligibility may be raised in a motion by the parties or *sua sponte* by the arbitrators. See *Horst v. FINRA*,

a result, documents or information relating to the dispute may no longer be available.³⁹

Second, although the Guidance provides that an arbitrator must ensure the customer has notice and an opportunity to participate in the expungement hearing, customers and their representatives typically do not participate in hearings in straight-in requests and, therefore, the panel may receive information only from the associated person requesting expungement.⁴⁰

Third, the broker-dealer firm named in the straight-in request by the associated person may not have any relevant documents pertaining to the customer dispute because the event occurred while the associated person was employed at a different firm, or the respondent firm may support the expungement request because it has an interest in removing negative information from the associated person's CRD record.⁴¹

Fourth, associated persons are also making repeated attempts to seek expungement of the same customer dispute information. For example, some associated persons make requests for expungement (by filing straight-in requests) after withdrawing or deciding not to pursue an expungement request made in the customer arbitration, presumably believing that another panel that has not heard the merits of the customer's claim may be more likely to decide expungement in their favor. FINRA is concerned about this practice of "arbitrator shopping," particularly

No. A-18-777960-C (Dist. Ct. Nevada Oct. 25, 2018) (Order Denying Motion to Vacate Arbitration Award). In addition, FINRA Rules 12409 and 13413 provide that the arbitrators have the authority to interpret and determine the applicability of all provisions under the Codes. Thus, the decision of whether to dismiss a claim pursuant to this six-year eligibility rule is within the sole discretion of the panel. See *Howsam v. Dean Witter Reynolds*, 537 U.S. 79, 85-86 (2002) (finding that an arbitrator properly decides issues of eligibility). Such interpretations and decisions are final and binding upon the parties.

³⁹ For example, during the sample period, approximately three-fifths of the 6,476 customer dispute information disclosures were sought to be expunged in straight-in requests that were filed six years or longer after the close of a customer arbitration or the initial reporting of the customer complaint.

⁴⁰ See also *supra* note 37 (discussing similar concerns with expungement hearings in settled customer arbitrations).

⁴¹ FINRA rules do not currently specify who associated persons must name when filing a straight-in request. Typically, associated persons file their straight-in requests against the broker-dealer firm at which the associated person is currently employed. On rare occasions, straight-in requests are filed against a customer. As discussed below, the proposed amendments would prohibit these filings against the customer. See proposed Rule 12805(a)(3).

when associated persons withdraw an original expungement request after the panel has been made aware of evidence that could result in the denial of the expungement request.

FINRA has also observed that persons who are not named as a party in a customer arbitration may attempt to seek expungement (using straight-in requests) after expungement was denied in the customer arbitration to which they were not a party, claiming they were not aware of the expungement request in the customer arbitration.⁴² In addition, FINRA has observed that associated persons are moving to vacate arbitration awards that deny expungement relief and then seeking expungement in a new proceeding.⁴³

As discussed in detail below, the proposed amendments would make significant enhancements to the current expungement process. These enhancements would address the concerns identified by FINRA, the Task Force and other interested parties and provide additional safeguards for ensuring that the information maintained in the CRD system and disclosed through BrokerCheck is accurate and complete.⁴⁴

II. Proposed Rule Change

Under the proposed rule change, an associated person would only be permitted to seek expungement of customer dispute information in the

⁴² In these circumstances, the customer arbitration is filed against the broker-dealer firm, without formally naming the associated person, but alleging that the associated person was involved in the alleged violation. In 2009, the SEC approved amendments to Forms U4 and U5 to require a broker-dealer firm to report allegations of sales practice violations made against an associated person in an arbitration or a civil litigation even when the associated person is not a named party in the proceeding. The information reported about such disputes is now maintained in the CRD system as part of the associated person's record and is disclosed through BrokerCheck. See Securities Exchange Act Release No. 59916 (May 13, 2009), 74 FR 23750 (May 20, 2009) (Order Approving File No. SR-FINRA-2009-008).

These "unnamed persons" may seek to expunge customer dispute information from the CRD system by: (1) asking a party to the customer arbitration, usually the firm, to request expungement on their behalf; (2) seeking to intervene in the customer arbitration; (3) initiating a new arbitration in which the unnamed person requests expungement and names the customer or firm as the respondent; or (4) seeking expungement in a court of competent jurisdiction.

⁴³ If an award denying expungement is vacated and the associated person then seeks expungement in court, FINRA may oppose expungement in court if FINRA was not provided notice or an opportunity to be heard in the proceeding to vacate the award.

⁴⁴ The proposed rule change would apply to all members, including members that are funding portals or have elected to be treated as capital acquisition brokers ("CABs"), given that the funding portal and CAB rule sets incorporate the impacted FINRA rules by reference.

DRS arbitration forum by complying with the requirements of proposed Rules 12805 (expungement requests in a customer arbitration), 13805 (straight-in requests under the Industry Code) or 12800(d) (expungement requests in a simplified customer arbitration). The discussion below of the proposed rule change is divided into seven areas: (A) requests for expungement under the Customer Code; (B) straight-in requests under the Industry Code and the Special Arbitrator Roster; (C) limitations on expungement requests; (D) requirements relating to all expungement hearings; (E) notifications to customers and to state securities regulators regarding expungement requests; (F) attendance and participation of an authorized representative of state securities regulators in straight-in requests; and (G) expungement requests during simplified customer arbitrations.

A. Requests for Expungement Under the Customer Code

FINRA Rule 12805 sets forth requirements that arbitrators must meet in order to issue an award containing expungement of customer dispute information under the Customer Code.⁴⁵ The rule does not, however, provide guidance for associated persons on how and when they may request expungement during the customer arbitration, or on when arbitrators must make expungement determinations. The proposed rule change would amend FINRA Rule 12805 to set forth requirements for expungement requests filed by an associated person during a customer arbitration.

1. Expungement Requests During the Customer Arbitration

a. By a Respondent Named in a Customer Arbitration

Under current practice, an associated person who is named as a respondent in a customer arbitration (“named associated person”) may request expungement at any time during the

⁴⁵ FINRA Rule 12805 provides that a panel must comply with the following requirements in order to grant expungement: (a) hold a recorded hearing session (by telephone or in person) regarding the appropriateness of expungement; (b) in cases involving settlements, review settlement documents and consider the amount of payments made to any party and any other terms and conditions of a settlement; (c) indicate in the arbitration award which of the Rule 2080 grounds for expungement serve(s) as the basis for its expungement order and provide a brief written explanation of the reason(s) for its finding that one or more Rule 2080 grounds for expungement applies to the facts of the case; and (d) assess all DRS arbitration forum fees for hearing sessions in which the sole topic is the determination of the appropriateness of expungement against the parties requesting expungement relief. *See also* FINRA Rule 13805.

customer arbitration or separately from the customer arbitration in a straight-in request.⁴⁶ If a named associated person requests expungement during the customer arbitration, does not withdraw the request and the case goes to hearing and closes by award, the panel in the customer arbitration will also decide the expungement request and include the decision as part of the award. If the customer arbitration does not close by award after a hearing (*e.g.*, settles) and the associated person continues to pursue the expungement request, the panel from the customer arbitration will hold a hearing regarding the appropriateness of expungement.⁴⁷

Under the proposed rule change, if a named associated person seeks to expunge customer dispute information associated with the customer’s statement of claim, the named associated person must make the expungement request during the customer arbitration.⁴⁸ As discussed below, these requests would be subject to limitations on how and when the requests may be made.⁴⁹ If the associated person does not request expungement of the customer dispute information associated with the customer’s statement of claim during the customer arbitration, the associated person would forfeit the opportunity to seek expungement of the same customer dispute information in any subsequent proceeding.⁵⁰ The Director would be authorized to deny the DRS arbitration forum to requests made during a customer arbitration to expunge customer dispute information that is not associated with the customer’s

⁴⁶ There are several ways in which a named associated person may request expungement during a customer arbitration. The request may be included in the answer to the statement of claim that must be submitted within 45 days of receipt of the statement of claim, and may include other claims and remedies requested. *See* FINRA Rules 12303(a) and (b); *see also* FINRA Rules 13303(a) and (b). The expungement request may also be included in other pleadings (*e.g.*, a counterclaim, a cross claim, or a third party claim) and must be filed with the Director. *See* FINRA Rule 12100(x). The associated person may also request at any time during the case (outside of a pleading) that the panel consider the person’s expungement request during the hearing. Under FINRA Rule 12503, such a request is treated like a motion, which gives the other parties an opportunity to state objections. If there is an objection, the panel must decide the motion pursuant to FINRA Rule 12503(d)(5). *See also* FINRA Rules 13503 and 13503(d)(5).

⁴⁷ *See* FINRA Rule 12805.

⁴⁸ *See* proposed Rule 12805(a)(1)(A). The customer dispute information associated with a customer’s statement of claim would include a written customer complaint or civil litigation brought by the same customer that addresses the same allegations.

⁴⁹ *See* proposed Rule 12805(a)(1)(B); *see also infra* Item II.A.1.II.C., “Limitations on Expungement Requests.”

⁵⁰ *See* proposed Rule 12805(a)(1)(A).

statement of claim.⁵¹ The Director would also be authorized to deny the forum if a named associated person does not request expungement of the customer dispute information associated with the customer’s statement of claim during the customer arbitration but then seeks expungement of the same customer dispute information in a subsequent proceeding.⁵²

FINRA is proposing to require that a named associated person request expungement of customer dispute information associated with a customer’s statement of claim during the customer arbitration because, if the arbitration closes by award after a hearing, the panel from the customer arbitration will be best situated to decide the related issue of expungement. Requiring the named associated person to request expungement in the customer arbitration increases the likelihood that a panel will have input from all parties and access to all of the evidence, testimony and other documents to make an informed decision on the expungement request.

FINRA recognizes that this requirement could result in some named associated persons filing expungement requests to preserve their ability to make an expungement request, regardless of the potential outcome. FINRA believes, however, that the potential costs that would be incurred by associated persons, arbitrators and the DRS arbitration forum if named associated persons file expungement requests to preserve the ability to request expungement are appropriate given the potential benefit of having customer input and a complete factual record for the panel to decide an expungement request.

i. Method of Requesting Expungement

The proposed rule change would limit how and when expungement requests may be made during the customer arbitration. Under the proposed rule change, if a named associated person requests expungement during the customer arbitration, the request must be included in the answer or a separate pleading requesting expungement.⁵³ If the request is included in the answer, it must be filed within 45 days of receipt

⁵¹ *See* proposed Rule 12203(b); *see also infra* Item II.A.1.II.C.3., “Director’s Authority to Deny the Forum.”

⁵² *See* proposed Rules 12805(a)(1)(A), 13203(b) and 13805(a)(2)(A)(vi); *see also infra* Item II.A.1.II.C.3., “Director’s Authority to Deny the Forum.”

⁵³ *See* proposed Rule 12805(a)(1)(C)(i). FINRA Rules 12100(x) and 13100(v) would be amended to define a “separate document requesting expungement” as a pleading under the Codes.

of the customer's statement of claim in accordance with existing requirements under the Codes.⁵⁴ If the named associated person requests expungement in a separate pleading requesting expungement, rather than the answer, the request must be filed no later than 60 days before the first scheduled hearing begins.⁵⁵ The proposed deadline should provide the named associated person with enough time to assess the customer's case and the potential merits of an expungement request and decide whether to file the request. The 60-day timeframe would also provide the parties to the customer arbitration with reasonable case preparation time, since the expungement issues will overlap with the issues raised by the customer's claim. If a named associated person seeks to request expungement after the 60-day filing deadline, the associated person would be required to file a motion requesting an extension, which would be decided by the panel.⁵⁶

ii. Required Contents of an Expungement Request

Under the proposed rule change, a request for expungement by a named associated person in a customer arbitration must include the applicable filing fee under the Code.⁵⁷ In addition, a named associated person would be required to provide the CRD number of the party requesting expungement, each CRD occurrence number that is the subject of the request and the case name and docket number associated with the customer dispute information.⁵⁸ These requirements would help ensure that FINRA, the panel, and the parties understand who is requesting expungement and which customer dispute information is the subject of the request.

The proposed rule change would also require the named associated person requesting expungement to explain whether expungement of the same customer dispute information was (i) previously requested and, if so (ii) how

it was decided.⁵⁹ This requirement would assist with implementation of the proposed prohibition on parties making second requests for expungement, discussed in more detail below.⁶⁰ This proposed requirement is also consistent with language in the existing Guidance stating that arbitrators should ask a party requesting expungement whether an arbitration panel or a court previously denied expungement of the customer dispute information at issue and, if there was a prior denial, the expungement request should be denied.⁶¹

Under the proposed rule change, if an expungement request fails to include any of the proposed requirements for requesting expungement, the request would be considered deficient and would not be served unless the deficiency is corrected.⁶²

FINRA believes these proposed requirements for named associated persons requesting expungement are necessary for the timely consideration and orderly administration of expungement requests as well as to maintain the integrity of the CRD system.

b. Expungement Requests by a Party Named in the Customer Arbitration On Behalf Of an Unnamed Person

The Codes do not specifically address on-behalf-of requests, *i.e.*, expungement requests made by a party named in a customer arbitration on behalf of an unnamed person.⁶³ Under current practice, a party to a customer arbitration may file an on-behalf-of request for expungement during the customer arbitration. If the party (typically, a firm) files the request and the customer arbitration closes by award after a hearing, the panel will decide the expungement request and include the decision in the award. If the customer arbitration does not close by award after a hearing (*e.g.*, settles), either the requesting party or the unnamed person could ask the panel to consider and decide the expungement request before it disbands. In this circumstance, the

panel from the customer arbitration will hold a hearing regarding the appropriateness of expungement.⁶⁴

The proposed rule change would codify the ability of a party to the customer arbitration to file an on-behalf-of request during a customer arbitration.⁶⁵ Under the proposed rule change, a party to a customer arbitration may file an on-behalf-of request that seeks to expunge customer dispute information associated with the customer's statement of claim, provided the request is eligible for arbitration under proposed Rule 12805.⁶⁶ Filing an on-behalf-of request would be permissive, not mandatory.⁶⁷ However, as discussed below, if the named party and the unnamed person agree to such a request, FINRA would require them to sign a form consenting to the on-behalf-of request which would help ensure that the unnamed person is fully aware of the request and that the firm is agreeing to represent the unnamed person for the purpose of requesting expungement during the customer arbitration.

i. Method of Requesting Expungement On Behalf Of an Unnamed Person

The unnamed person would be required to consent to the on-behalf-of request in writing.⁶⁸ In particular, the party filing an on-behalf-of request would be required to submit a signed Form Requesting Expungement on Behalf of an Unnamed Person ("Form") and a statement requesting expungement with the Director.⁶⁹ The proposed rule change would not require that an on-behalf-of request be included in an answer or a separate pleading requesting expungement (although it could be), since the request seeks relief on behalf of a person who is not a party to the arbitration. However, the party making the request would be required to file the request, which would include the Form, no later than 60 days before the first scheduled hearing.⁷⁰ By filing and serving the expungement request on behalf of the unnamed person, the requesting party would be agreeing to represent the unnamed person and the unnamed person's interests and to pursue the request for expungement on

⁵⁴ See *supra* note 46.

⁵⁵ See proposed Rule 12805(a)(1)(C)(i).

⁵⁶ See proposed Rule 12805(a)(1)(C)(i). Pursuant to FINRA Rule 12503, if an associated person files a motion seeking an extension of the 60-day deadline, the opposing parties may state objections to extending the deadline, and the panel would decide the motion.

⁵⁷ See proposed Rule 12805(a)(1)(C)(ii)a.

⁵⁸ See proposed Rule 12805(a)(1)(C)(ii)b. through d. An occurrence is a disclosure event that is reported to the CRD system via one or more Disclosure Reporting Pages. Each occurrence contains details regarding a specific disclosure event. An occurrence can have as many as three sources reporting the same event: Forms U4, U5 and U6.

⁵⁹ See proposed Rule 12805(a)(1)(C)(ii)e.

⁶⁰ See *infra* Item II.A.1.II.A.1.b.i., "Method of Requesting Expungement On Behalf Of an Unnamed Person."

⁶¹ See Guidance, *supra* note 5.

⁶² See proposed Rules 12307(a)(8) through (11) and 12805(a)(1)(C)(ii).

⁶³ The proposed rule change would define an unnamed person as "an associated person, including a formerly associated person, who is identified in a Form U4, Form U5, or Form U6, as having been the subject of an investment-related, customer-initiated arbitration claim that alleged that the associated person or formerly associated person was involved in one or more sales practice violations, but who is not named as a respondent in the arbitration." See proposed Rule 12100(ff).

⁶⁴ See FINRA Rule 12805.

⁶⁵ See proposed Rule 12805(a)(2).

⁶⁶ See proposed Rule 12805(a)(2)(B).

⁶⁷ See proposed Rule 12805(a)(2)(A).

⁶⁸ See proposed Rule 12805(a)(2)(A).

⁶⁹ See proposed Rule 12805(a)(2)(C)(i) and (ii).

The unnamed person whose CRD record would be expunged and the party requesting expungement on the unnamed person's behalf must sign the Form.

⁷⁰ See proposed Rule 12805(a)(2)(C)(iii). The 60-day deadline is the same as the proposed deadline for a named associated person to request expungement through a separate pleading requesting expungement in a customer arbitration.

behalf of the unnamed person during the customer arbitration.⁷¹

FINRA believes that requiring the submission of the Form would help address the issue of an unnamed person not being made aware of the on-behalf-of request. As discussed above, FINRA is concerned that some associated persons are filing arbitration claims seeking expungement of the same customer dispute information that was the subject of a previous denial by a panel of an on-behalf-of request.⁷² By signing the Form, the unnamed person would be consenting to the on-behalf-of request and agreeing to be bound by the panel's decision on the request.⁷³ In addition, the Form would provide that, if the customer arbitration closes by award after a hearing, the unnamed person would be barred from filing a request for expungement for the same customer dispute information in a subsequent proceeding. The unnamed person's signature would serve as acknowledgement of this consequence.

ii. Required Contents of an On-Behalf-Of Expungement Request

Under the proposed rule change, an on-behalf-of request would be required to include the same elements as a request for expungement by a named associated person during a customer arbitration.⁷⁴ Thus, the party requesting expungement on behalf of an unnamed person (typically, the firm) would be required to provide the applicable filing fee; the CRD number of the unnamed person; each CRD occurrence number that is the subject of the request; the case name and docket number associated with the customer dispute information; and an explanation of whether expungement of the same customer dispute information was (i) previously requested and, if so (ii) how it was decided. In addition, as discussed above, the party requesting expungement would be required to include the Form, signed by the unnamed person whose CRD record is

the subject of the expungement request and the party filing the request.

c. Deciding Expungement Requests during Customer Arbitrations

The proposed amendments would require that if a named associated person or a party on behalf of an unnamed person has requested expungement during a customer arbitration and the case closes by award after a hearing, the panel from the customer arbitration must decide the expungement request during the customer arbitration in accordance with Rule 12805(c) and issue its decision on the request in the same award.⁷⁵ If the customer arbitration closes other than by award (e.g., settles) or by award without a hearing, the panel would not consider the expungement request.⁷⁶ Instead, to seek expungement relief, the associated person would need to file a straight-in request to expunge the customer dispute information associated with the customer arbitration as a new claim under proposed Rule 13805 against the member firm at which the associated person was associated at the time the customer dispute arose.⁷⁷ A panel from the Special Arbitrator Roster would decide the straight-in request, as discussed in more detail below.⁷⁸

i. Panel Decides the Expungement Request if the Customer's Arbitration Closes by Award After a Hearing

Currently, if a named associated person requests expungement, or a party files an on-behalf-of request, and the customer's claim closes by award after a hearing, the panel may consider and decide the expungement request during the customer arbitration and issue its decision in the award. If, however, the party requesting expungement does not raise the issue of expungement during the hearing, the panel may not decide the request and may deem it withdrawn.⁷⁹ In this instance, the associated person may seek to file the request again at a later date.

Under the proposed rule change, if a named associated person requests expungement or a party files an on-behalf-of request during a customer arbitration and the customer's claim closes by award after a hearing, the panel in the customer arbitration would be required to consider and decide the expungement request and issue its decision in the same award.⁸⁰ This would help ensure that the panel from the customer's arbitration—which has received input from all parties, reviewed the pleadings, and considered the evidence on the merits—would decide the expungement request.⁸¹

The proposed rule change would require the panel to decide the request even if the requesting party withdraws or fails to pursue the request. In this instance, the panel would deny the expungement request with prejudice.⁸² This would prevent associated persons from withdrawing expungement requests to avoid having their requests decided by the panel that heard the evidence on the customer's arbitration claim, then seeking to re-file the request and receiving a potentially more favorable decision from a different set of arbitrators.

ii. Panel Does Not Decide Expungement if the Customer's Arbitration Closes Other Than by Award or by Award Without a Hearing

Currently, if a named associated person requests expungement or a party files an on-behalf-of request, the customer arbitration does not close by award after a hearing (e.g., settles) and the requesting party continues to pursue the expungement request, the panel from the customer arbitration will hold a hearing regarding the appropriateness of expungement.⁸³ If the named associated person or party requesting expungement does not request that the panel hold a separate hearing to decide the expungement request, the panel may deem the request withdrawn, and the associated person may seek to file the request again at a later date.

The proposed rule change would provide that if, during a customer arbitration, a named associated person requests expungement or a party files an on-behalf-of request and the customer arbitration closes other than by award or by award without a hearing, the panel from the customer arbitration would not be permitted to decide the expungement

⁷¹ See proposed Rule 12805(a)(2)(D)(iii).

⁷² See *supra* note 42 and accompanying text.

⁷³ See proposed Rule 12805(a)(2)(D)(i). By signing the Form, the unnamed person would also be agreeing to maintain the confidentiality of documents and information from the customer arbitration to which the unnamed person is given access and to adhere to any confidentiality agreements or orders associated with the customer arbitration. See proposed Rule 12805(a)(2)(D)(ii). The breach of this provision by the unnamed person could potentially subject the unnamed person to a claim for damages by an aggrieved party.

⁷⁴ See proposed Rule 12805(a)(1)(C)(ii) and 12805(a)(2)(C)(i); see also *supra* Item II.A.1.II.A.1.a.ii., "Required Contents of an Expungement Request."

⁷⁵ See proposed Rules 12805(a)(1)(D)(i) and (a)(2)(E)(i).

⁷⁶ See proposed Rules 12805(a)(1)(D)(ii) and (a)(2)(E)(ii).

⁷⁷ Under the Codes, a "member" includes any broker or dealer admitted to membership in FINRA, whether or not the membership has been terminated, suspended, cancelled, revoked, the member has been expelled or barred from FINRA or the member is otherwise defunct. See FINRA Rules 12100(s) and 13100(q); see also Securities Exchange Act Release No. 88254 (February 20, 2020), 85 FR 11157 (February 26, 2020) (Order Approving File No. SR-FINRA-2019-027).

⁷⁸ See *infra* Item II.A.1.II.B.2., "Panel from the Special Arbitrator Roster Decides Requests Filed Under the Industry Code."

⁷⁹ See FINRA Rules 12702 and 13702.

⁸⁰ See proposed Rules 12805(a)(1)(D)(i) and 12805(a)(2)(E)(i).

⁸¹ See proposed Rules 12805(a)(1)(D) and 12805(a)(2)(E).

⁸² See proposed Rules 12805(a)(1)(D)(i) and 12805(a)(2)(E)(i).

⁸³ See FINRA Rule 12805.

request.⁸⁴ Instead, the associated person would be required to seek expungement by filing a request to expunge the same customer dispute information as a straight-in request against the member firm at which the person was associated at the time the customer dispute arose under proposed Rule 13805, where a panel that is randomly selected from the Special Arbitrator Roster would decide the request.⁸⁵

FINRA believes this approach reflects the importance of maintaining the integrity of information in the CRD system. When the customer arbitration closes other than by award or by award without a hearing, the panel selected by the parties in the customer arbitration may not have heard the presentation of the evidence on the merits of the case and, therefore, may not bring to bear any special insights in determining whether to issue an award containing expungement relief. In addition, customers or their representatives have little incentive to attend and participate in an expungement hearing once their case has settled. Requiring that an associated person file the expungement request as a straight-in request under the Industry Code to be heard and decided by a three-person panel that is randomly selected from the Special Arbitrator Roster would strengthen the expungement framework. As discussed in more detail below, while keeping in mind the importance of maintaining the integrity of information in the CRD system, this corps of experienced and specially trained arbitrators would follow the procedures set forth in proposed Rule 13805 to decide whether one or more of three grounds—the same three grounds contained in FINRA Rule 2080(b)(1)—exist in order to issue an award containing expungement relief.

2. No Intervening in Customer Arbitrations To Request Expungement

The proposed amendments would prohibit unnamed persons from intervening in a customer arbitration and requesting expungement.⁸⁶ If the associated person is neither a party to the arbitration nor the subject of an on-behalf-of request by another party to the arbitration, the associated person should not be able to intervene in the customers' arbitration to request expungement. In these circumstances, the associated person's conduct is

unlikely to be fully addressed by the parties during the customer arbitration, and FINRA does not believe that the customer should have the presentation of their case interrupted or delayed by an associated person's intervention to request expungement. In addition, there have been instances in customer arbitrations in which the unnamed person learns that the customer's arbitration case is nearing conclusion. The associated person then files a motion to intervene in the case to ask the panel to consider an expungement request. As an unnamed person, the individual is not a party to the case and, therefore, has not made any arguments in support of the expungement request. Further, if the motion is granted, the parties to the case will be required to wait for a decision on the expungement request (which may necessitate another hearing) before their dispute is resolved, causing delay and additional cost to the parties.

Accordingly, under the proposed rule change, unnamed persons would be prohibited from intervening in a customer arbitration and requesting expungement. Instead, the unnamed person would be able to file the request as a new claim against the member firm at which the person was associated at the time the customer dispute arose under proposed Rule 13805, where a panel from the Special Arbitrator Roster would decide the request.⁸⁷

3. No Straight-In Requests Against Customers

The proposed amendments would also prohibit an associated person from filing a straight-in request against a customer.⁸⁸ Currently, straight-in requests are rarely filed against a customer.⁸⁹ FINRA does not believe that customers should be compelled to attend or participate in a separate proceeding to decide an expungement request after the customer has resolved their arbitration claim or civil litigation. Accordingly, the proposed amendments would prohibit an associated person from filing a straight-in request against a customer. As discussed below, however, under the proposed rule change, customers would have the option to attend and participate in expungement hearings in straight-in

requests, and the proposed rule change would include provisions to facilitate such attendance and participation.

B. Straight-In Requests Under the Industry Code and the Special Arbitrator Roster

Under the proposed rule change, all requests to expunge customer dispute information that is not associated with a customer arbitration would be required to be filed as a straight-in request under proposed Rule 13805.⁹⁰ In addition, an associated person could request expungement of customer dispute information associated with a customer arbitration under proposed Rule 13805 if: (1) the associated person is named in the arbitration or is the subject of an on-behalf-of request and the customer arbitration closes other than by award or by award without a hearing; or (2) the associated person is the subject of a customer arbitration, but is neither named in the arbitration nor the subject of an on-behalf-of request, and the customer arbitration closes for any reason. If an associated person requests expungement under proposed Rule 13805, a three-person panel randomly selected from the Special Arbitrator Roster in accordance with proposed Rule 13806 would decide the expungement request.⁹¹

1. Filing a Straight-In Request Under the Industry Code

a. Applicability

Under the proposed rule change, an associated person requesting expungement of customer dispute information as a straight-in request under the Industry Code must file a statement of claim in accordance with FINRA Rule 13302 against the member firm at which the person was associated at the time the customer dispute arose, unless the request is ineligible for arbitration under proposed Rule 13805(a)(2).⁹² The only way to request expungement of customer dispute information under the Industry Code

⁹⁰ See proposed Rules 12805(a)(1)(A) and 13805(a)(1). As discussed above, under proposed Rule 12805, an associated person may request expungement in a customer arbitration of a customer complaint or civil litigation associated with a customer's statement of claim. See *supra* note 48 and accompanying text.

⁹¹ See *infra* Item II.A.1.II.B.2.a. and b. (discussing eligibility requirements for and composition of the Special Arbitrator Roster).

⁹² See proposed Rule 13805(a)(1). FINRA Rule 13302 provides, in relevant part, that to initiate an arbitration, a claimant must file with the Director a signed and dated Submission Agreement, and a statement of claim specifying the relevant facts and remedies requested.

⁸⁴ See proposed Rules 12805(a)(1)(D)(ii)a. and 12805(a)(2)(E)(ii)a.

⁸⁵ See proposed Rules 12805(a)(1)(D)(ii)b. and 12805(a)(2)(E)(ii)b.; see also *infra* Item II.A.1.II.B.2., "Panel from the Special Arbitrator Roster Decides Requests Filed Under the Industry Code."

⁸⁶ See proposed Rules 12805(a)(2)(E)(iii) and 12800(d)(2)(D).

⁸⁷ See proposed Rule 12805(a)(2)(E)(iii)b.

⁸⁸ See proposed Rule 12805(a)(3).

⁸⁹ During the sample period, FINRA is able to identify requests to expunge 11,619 customer dispute information disclosures from the CRD system. Of those, 6,476 were sought to be expunged in straight-in requests; 116 were sought to be expunged in straight-in requests filed against a customer. See *infra* Item II.B.2., "Economic Baseline," for further discussion.

would be to file the request under proposed Rule 13805.

The requirement that the associated person file the straight-in request against the member firm at which the person was associated at the time the customer dispute arose would help ensure that there is a connection between the respondent firm and the subject matter of the expungement request. For example, the firm at which the person requesting expungement was associated at the time the dispute arose should have knowledge of the dispute and access to documents or other evidence relating to the dispute. In addition, the proposed requirement would help ensure that the panel from the Special Arbitrator Roster would be able to request evidence from the member firm with information that is relevant to the expungement request. If the requisite connection is not present, the Director would be authorized to deny the use of the DRS arbitration forum for the request.⁹³

b. Required Contents of Straight-In Requests

The required contents of a straight-in request would be the same as those required for expungement requests filed under proposed Rule 12805.⁹⁴ Thus, the associated person's straight-in request would be required to contain the applicable filing fee;⁹⁵ the CRD number of the party requesting expungement; each CRD occurrence number that is the subject of the request; the case name and docket number associated with the customer dispute information, if applicable; and an explanation of whether expungement of the same customer dispute information was previously requested and, if so, how it was decided.⁹⁶ In addition, as discussed below, the proposed rule change would impose limitations on when such requests may be made.⁹⁷

2. Panel From the Special Arbitrator Roster Decides Requests Filed Under the Industry Code

If a straight-in request is filed in accordance with proposed Rule 13805, a three-person panel randomly selected from the Special Arbitrator Roster pursuant to proposed Rule 13806 would be required to hold an expungement hearing, decide the expungement request and issue an award.⁹⁸ The proposed amendments would also provide that if the associated person withdraws or does not pursue the request, the panel would be required to deny the expungement request with prejudice.⁹⁹ This requirement would foreclose the ability of associated persons to withdraw expungement requests to avoid having their requests decided by a panel that they believe does not favor their request, and then seek to re-file the request with the hope of obtaining a potentially more favorable decision from a different panel.

a. Eligibility Requirements for the Special Arbitrator Roster

The proposed rule change would include several requirements to help ensure that arbitrators on the Special Arbitrator Roster have the qualifications and training to decide straight-in requests.

First, arbitrators on the Special Arbitrator Roster would be public arbitrators who are eligible for the chairperson roster.¹⁰⁰ Public arbitrators are not employed in the securities industry and do not devote 20 percent or more of their professional work to the securities industry or to parties in disputes concerning investment accounts or transactions or employment relationships within the financial industry.¹⁰¹ Arbitrators are eligible for the chairperson roster if they have completed chairperson training

provided by FINRA and: (1) have a law degree and are a member of a bar of at least one jurisdiction and have served as an arbitrator through award on at least one arbitration administered by an SRO in which hearings were held; or (2) have served as an arbitrator through award on at least three arbitrations administered by an SRO in which hearings were held.¹⁰² These requirements would help ensure that the persons conducting the expungement hearing are impartial and experienced in managing and conducting arbitration hearings in the DRS arbitration forum.¹⁰³

Second, the public chairpersons must have evidenced successful completion of, and agreement with, enhanced expungement training provided by FINRA.¹⁰⁴ FINRA currently provides an Expungement Training module for arbitrators.¹⁰⁵ This training, however, would be expanded for arbitrators seeking to qualify for the Special Arbitrator Roster. This would allow FINRA to further emphasize with the arbitrators on the Special Arbitrator Roster the unique, distinct role they play in determining whether to issue an award containing expungement relief, and that expungement should be issued in limited circumstances and only if the arbitrators unanimously find that the information to be expunged is factually impossible, clearly erroneous or false, or that the associated person was not involved in the alleged misconduct.

Third, arbitrators on the Special Arbitrator Roster would also be required to have served as an arbitrator through award on at least four customer arbitrations administered by FINRA or by another SRO in which a hearing was held.¹⁰⁶ FINRA believes that if an arbitrator has served on four arbitrations through to award, it would indicate that the arbitrator has gained the knowledge

⁹³ See proposed Rule 13203(b).

⁹⁴ See proposed Rule 13805(a)(3); see also *supra* Item II.A.1.II.A.1.a.ii., "Required Contents of an Expungement Request."

⁹⁵ FINRA would not assess a second filing fee when an associated person files a straight-in request if the associated person, or the requesting party in the case of an on-behalf-of request, had previously paid the filing fee to request expungement of the same customer dispute information during a customer arbitration.

⁹⁶ See proposed Rule 13805(a)(3). If an expungement request under the Industry Code fails to include any of the proposed requirements for requesting expungement, the request would be considered deficient and would not be served unless the deficiency is corrected. See proposed Rules 13307(a)(7) through (11).

⁹⁷ See *infra* Item II.A.1.II.C., "Limitations on Expungement Requests." As discussed in more detail below, the straight-in request would be ineligible for arbitration under the Industry Code if: (1) a panel held a hearing to consider the merits of

the associated person's request for expungement of the same customer dispute information; (2) a court of competent jurisdiction previously denied the associated person's request to expunge the same customer dispute information; (3) the customer arbitration or civil litigation or customer complaint associated with the customer dispute information is not closed; (4) more than two years have elapsed since the customer arbitration or civil litigation associated with the customer dispute information has closed; (5) there was no customer arbitration or civil litigation associated with the customer dispute information and more than three years have elapsed since the date that the customer complaint was initially reported to the CRD system; or (6) a named associated person is prohibited from seeking expungement because they did not request expungement in the associated customer arbitration under proposed Rule 12805(a)(1)(A). See proposed Rule 13805(a)(2).

⁹⁸ See proposed Rule 13805(a)(4).

⁹⁹ See proposed Rule 13805(a)(4).

¹⁰⁰ See proposed Rule 13806(b).

¹⁰¹ See *supra* note 3.

¹⁰² See FINRA Rules 12400(c) and 13400(c). For purposes of this proposed rule change, public arbitrators who are eligible for the chairperson roster would include those arbitrators who have met the chairperson eligibility requirements of FINRA Rules 12400(c) or 13400(c), regardless of whether they have already served as a chair on an arbitration case.

¹⁰³ The Task Force suggested that the arbitrators on its recommended special arbitration panel be chair-qualified, in part because of the training that arbitrators must complete before they can be added to the chairperson roster. See FINRA, Advanced Arbitrator Training, <https://www.finra.org/arbitration-mediation/advanced-arbitrator-training>; see also *supra* note 37.

¹⁰⁴ See proposed Rule 13806(b)(2)(A).

¹⁰⁵ See *supra* note 35 and accompanying text.

¹⁰⁶ See proposed Rule 13806(b)(2)(B). This requirement would not be satisfied by serving on arbitrations administered under the special proceeding option of the simplified arbitration rules. See FINRA Rule 12800(c)(3)(B).

and experience in the DRS arbitration forum to conduct hearings.¹⁰⁷

b. Composition of the Panel

To minimize the potential for influence in the arbitrator selection process by the associated person and member firm, whose interests may be aligned, and to help ensure the development of a more complete factual record, the proposed rule change would require NLSS to select randomly the three public chairpersons from the Special Arbitrator Roster to decide a straight-in request filed by an associated person.¹⁰⁸ The parties would not be permitted to agree to fewer than three arbitrators. The parties also would not be permitted to strike any arbitrators selected by NLSS nor stipulate to their removal,¹⁰⁹ but would be permitted to challenge an arbitrator selected for cause.¹¹⁰ If an arbitrator is removed, NLSS would randomly select a replacement.¹¹¹

The current process for selecting arbitrators—striking and combining ranked lists—would not be appropriate to use to select arbitrators to decide straight-in requests.¹¹² In arbitrations outside of the expungement context, the parties are typically adverse, which means that during arbitrator selection, each side may rank arbitrators on the lists whom they believe may be favorable to their case. The adversarial nature of the proceedings serves to minimize the impact of each party's influence in arbitrator selection. In contrast, a straight-in request filed by an associated person against a firm is less likely to be adversarial in nature. FINRA believes that the proposed rule change would prevent the associated person and member firm from collaboratively seeking to influence the outcome of the expungement request through arbitrator selection.

FINRA recognizes that the proposed arbitrator selection process for straight-in requests would also limit the associated person and member firm's input on arbitrator selection for reasons that may be unrelated to whether the arbitrator would potentially be sympathetic to the expungement request, such as their perception of the

arbitrator's competence or efficiency. However, the arbitrators on the Special Arbitrator Roster would have the experience, qualifications and training necessary to conduct a fair and impartial expungement hearing in accordance with the proposed rules, and to make their determination based on a complete factual record developed during the expungement hearing. FINRA believes that the higher standards that the arbitrators must meet to serve on the Special Arbitrator Roster should mitigate the impact of the absence of party input on the selection of arbitrators. In addition, associated persons and member firms would still be permitted to challenge any arbitrator for cause.¹¹³

C. Limitations on Expungement Requests

Currently, Rules 12805 and 13805 do not address when a party would not be permitted to file an expungement request in the DRS arbitration forum.¹¹⁴ The Guidance, however, describes several circumstances in which an expungement request should be ineligible for arbitration. The proposed rule change would incorporate the limitations contained in the Guidance and add time limits to when an associated person may file a straight-in request.

1. Limitations Applicable to Both Straight-In Requests and Expungement Requests During a Customer Arbitration

The Guidance provides that if a panel or a court has issued an award or decision denying an associated person's expungement request, the associated person may not request expungement of the same customer dispute information in another arbitration proceeding. In particular, the Guidance states that arbitrators should ask a party requesting expungement whether an arbitration panel or a court previously denied expungement of the customer dispute information at issue and, if there has been a prior denial, the arbitration panel must deny the expungement request.¹¹⁵

The proposed rule change would codify the Guidance by providing that an associated person may not file a request for expungement of customer dispute information if (1) a panel held a hearing to consider the merits of the associated person's expungement request for the same customer dispute information or (2) a court of competent

jurisdiction previously denied the associated person's request to expunge the same customer dispute information.¹¹⁶ These proposed amendments would prevent an associated person from forum shopping, or seeking to return to the DRS arbitration forum to garner a favorable outcome on his or her expungement request.¹¹⁷

2. Limitations Applicable to Straight-In Requests Only

As discussed below, under the proposed amendments, four additional limitations would apply to straight-in requests.

a. No Straight-In Request if the Customer Arbitration, Civil Litigation or Customer Complaint Has Not Closed

The Guidance provides that an associated person may not file a separate request for expungement of customer dispute information arising from a customer arbitration until the customer arbitration has concluded. The proposed rule change would codify and expand upon this limitation in the Guidance by providing that an associated person may not file a straight-in request under proposed Rule 13805 if the customer arbitration, civil litigation or customer complaint associated with the customer dispute information has not closed.¹¹⁸

The proposed rule change would prevent an associated person from filing a straight-in request while a customer arbitration or civil litigation associated with the customer dispute information that is the subject of the straight-in request is pending. It would also prevent potentially inconsistent expungement decisions on related customer dispute information. The proposed rule change would also help ensure that the panel which will decide the straight-in request is able to consider the final factual record from the customer arbitration or civil litigation.

¹¹⁶ See proposed Rules 12805(a)(1)(B)(i) and (ii) and 13805(a)(2)(A)(i) and (ii). The proposed rule change would require that the requesting party provide information about previous expungement requests and how such requests were decided. See proposed Rules 12805(a)(1)(C)(ii)e. and 13805(a)(3)(E).

¹¹⁷ FINRA notes that if a panel holds a hearing that addresses the merits of an associated person's request for expungement, the Director would be authorized to deny the DRS arbitration forum to any subsequent request by the associated person or another party on behalf of the associated person to expunge the same customer dispute information. See proposed Rules 12203(b) and 13203(b).

¹¹⁸ See proposed Rule 13805(a)(2)(A)(iii).

¹⁰⁷ In 2021, 87 percent of FINRA customer arbitrations closed other than by award.

¹⁰⁸ See proposed Rule 13806(b)(1). The first arbitrator selected would be the chair of the panel. See proposed Rule 13806(b)(3).

¹⁰⁹ The parties also would not be permitted to stipulate to the use of pre-selected arbitrators (*i.e.*, arbitrators that the parties find on their own to use in their cases). See proposed Rule 13806(b)(1).

¹¹⁰ See proposed Rule 13806(b)(4).

¹¹¹ See proposed Rule 13806(b)(4).

¹¹² See generally FINRA Rules 13403 and 13404.

¹¹³ See proposed Rule 13806(b)(4).

¹¹⁴ *But see supra* note 38 (describing time limits that apply to all arbitration claims, including expungement requests).

¹¹⁵ See Guidance, *supra* note 5.

b. Straight-In Request Prohibited if Named Associated Person Did Not Request Expungement in Customer Arbitration

Under the proposed change, an associated person who is named in a customer arbitration must request expungement during the arbitration or forfeit the ability to seek to expunge the customer dispute information associated with the customer's statement of claim in any subsequent proceeding.¹¹⁹ Accordingly, the proposed rule change would prohibit these associated persons from filing a straight-in request under the Industry Code seeking to expunge the customer dispute information associated with the customer's statement of claim.¹²⁰

c. Time Limits Applicable to Disclosures Arising After the Effective Date of the Proposed Rule Change

FINRA is aware that many straight-in requests are filed many years after the customer arbitration closes or the customer complaint is reported in the CRD system.¹²¹ To encourage prompt filing of expungement requests, the proposed amendments would establish time limits for expungement requests that are specifically tied to the closure of customer arbitrations and civil litigations, or the reporting of customer complaints in the CRD system, as applicable.¹²² The proposed time limits should help encourage customer attendance and participation in expungement proceedings and help ensure that straight-in requests are brought before relevant evidence and testimony becomes stale or unavailable.¹²³ The proposed time limits may also curtail the common practice of bundling multiple unrelated

and aged expungement requests in one straight-in request.¹²⁴

(i) Two Years From the Close of a Customer Arbitration or Civil Litigation

Under the proposed rule change, an associated person would be permitted to file a straight-in request within two years of the close of a customer arbitration or a civil litigation associated with the customer dispute information.¹²⁵ The proposed amendments would allow an associated person to request expungement of customer dispute information associated with the customer arbitration or civil litigation—including any associated customer complaint disclosures—within two years after the customer arbitration or civil litigation closes.¹²⁶

A two-year limitation period would allow the associated person sufficient time to determine whether to seek expungement by filing a straight-in request and provide a reasonable amount of time for the associated person to gather the documents, information and other resources required to file the expungement request. In addition, a two-year period would help ensure that the expungement hearing is held close enough in time to the customer arbitration or civil litigation, when information regarding the customer arbitration or civil litigation is available and in a timeframe that could increase the likelihood for the customer to attend and participate if the customer chooses to do so. The two-year time limit may also curtail the common practice of bundling multiple unrelated and aged expungement requests in one straight-in request.

(ii) Three Years From the Date a Customer Complaint Is Reported to the CRD System

Under the proposed rule change, an associated person shall be prohibited from filing a straight-in request to expunge a customer complaint where more than three years have elapsed since the customer complaint was initially reported to the CRD system and there was no customer arbitration or civil litigation associated with the

customer dispute information.¹²⁷ This means that if no customer arbitration or civil litigation associated with the customer complaint is filed, the associated person would have three years from the date the customer complaint was initially reported in the CRD system to file the expungement request.¹²⁸

The three-year time limitation would help ensure that the expungement hearing is held close in time to the events that gave rise to the customer dispute and increase the likelihood of customer attendance and participation. Three years should also provide sufficient time for firms to complete their investigation of the complaint, for associated persons to develop a sense of whether the complaint may evolve into an arbitration or civil litigation, and for the associated person to gather the necessary resources and determine whether to seek expungement. The three-year time limitation may also curtail requests to expunge customer complaints that are filed many years after first being reported to the CRD system and the bundling of multiple unrelated and aged disclosures in a single expungement request.

As discussed above, the Codes provide that no claim shall be eligible for submission to arbitration where six years have elapsed from the occurrence or event giving rise to the claim.¹²⁹ As a result of this six-year eligibility rule, a customer arbitration may be filed after an associated person has filed and received an award in connection with a customer complaint associated with the customer arbitration. To avoid unfairly impacting a customer arbitration filed after a panel has issued an award on a request to expunge a customer complaint associated with the customer arbitration, the proposed rule change would provide that a prior expungement award shall not be admissible in the customer arbitration.¹³⁰

¹¹⁹ See *supra* Item II.A.1.II.A.1.a., "Expungement Requests During the Customer Arbitration, By a Respondent Named in a Customer Arbitration," and accompanying text.

¹²⁰ See proposed Rule 13805(a)(2)(A)(vi).

¹²¹ See *supra* note 39.

¹²² FINRA Rules 12206 and 13206 provide that no claim shall be eligible for submission to arbitration where six years have elapsed from the occurrence or event giving rise to the claim. Under these Rules, the panel has discretion to determine if the claim, including an expungement request, is eligible for arbitration. See *supra* note 38. As discussed below, if the proposed rule change is approved by the Commission, this six-year eligibility rule would continue to apply to requests to expunge customer dispute information that arose prior to the effective date of the proposed rule change.

¹²³ All customers from a customer arbitration or civil litigation, and all customers who initiated a customer complaint, would be notified of the expungement request and encouraged to attend and provide their input. See proposed Rule 13805(b)(1)(A).

¹²⁴ For example, under the proposed time limits, associated persons would not have been able to include all customer dispute information disclosures in 44 percent of the straight-in requests. See *infra* Item II.B.3.D., "Time Limits for Filing Straight-in Requests—Quantitative Description."

¹²⁵ See proposed Rule 13805(a)(2)(A)(iv).

¹²⁶ With respect to requests to expunge customer dispute information associated with a customer arbitration, an associated person would be permitted to file a straight-in request under this two-year time limitation only if expungement of the customer dispute information was not required to be decided during the customer arbitration.

¹²⁷ See proposed Rule 13805(a)(2)(A)(v).

¹²⁸ A customer complaint can be reported to the CRD system via a Form U4 or Form U5. Pursuant to FINRA Rule 1010, an associated person should be made aware of the filing of a Form U4 and any amendments thereto by the associated person's member firm. In addition, Article V, Section 3 of the FINRA By-Laws requires that a member firm provide an associated person a copy of an amended Form U5, including one reporting a customer complaint involving the associated person. FINRA also provides several methods for associated persons and former associated persons to check their records, including online through BrokerCheck.

¹²⁹ See *supra* note 38.

¹³⁰ See proposed Rules 12604(c) and 13604(c).

d. Time Limits Applicable to Disclosures Arising on or Prior to the Effective Date of the Proposed Rule Change

The proposed amendments would also establish time limits for requests to expunge customer dispute information arising from customer arbitrations and civil litigations that close, and for customer complaints that were initially reported to the CRD system, on or prior to the effective date of the proposed rule change.

Specifically, the proposed amendments would provide that if an expungement request is otherwise eligible under the six-year limitation period of FINRA Rule 13206(a), an associated person would be permitted to file a straight-in request under the Industry Code if: (1) the request for expungement is made within two years of the effective date of proposed rule change, and the disclosure to be expunged is associated with a customer arbitration or civil litigation that closed on or prior to the effective date;¹³¹ or (2) the request for expungement is made within three years of the effective date of the proposed rule change, and the disclosure to be expunged is associated with a customer complaint initially reported to the CRD system on or prior to its effective date.¹³²

3. Director's Authority To Deny the Forum

The Codes provide the Director with authority to decline the use of the DRS arbitration forum if the Director determines that "given the purposes of FINRA and the intent of the Code, the subject matter of the dispute is inappropriate, or that accepting the matter would pose a risk to the health or safety of arbitrators, staff, or parties or their representatives."¹³³

To ensure additional safeguards around the expungement process, the proposed rule change would provide the Director with express authority to decline the use of the DRS arbitration forum if an associated person files an expungement request that the Director determines is ineligible for arbitration under proposed Rules 12805 and 13805.¹³⁴ For example, the Director would decline the use of the DRS arbitration forum if an expungement request is ineligible under the proposed time limitations. The Director would also decline the use of the DRS arbitration forum if a panel has previously considered the merits of, or

a court has previously decided, an expungement request associated with the same customer dispute information. The Director would also decline the use of the DRS arbitration forum if an associated person was named as a respondent in a customer arbitration but did not request expungement; if an associated person requested expungement but withdrew or did not pursue the expungement request; or if a party to a customer arbitration requested expungement on behalf of an unnamed person but the party withdrew or did not pursue an expungement request on behalf of the unnamed person.

The proposed rule change would also provide the Director with express authority to decline the use of the DRS arbitration forum if the Director determines that the expungement request was not filed under, or considered in the DRS arbitration forum in accordance with, proposed Rules 12805 or 13805.¹³⁵ For example, the Director may decline the use of the DRS arbitration forum if the Director determines that a panel is proposing to issue an award containing expungement of customer dispute information other than pursuant to proposed Rules 12805, 12800(d) and (e) or 13805, as applicable. The Director may also decline the use of the DRS arbitration forum if an associated person seeks expungement of customer dispute information other than pursuant to proposed Rules 12805, 12800(d) and (e) or 13805, as applicable.

D. Requirements Relating to All Expungement Hearings

FINRA Rules 12805 and 13805 currently provide a list of requirements panels must follow in order to issue an award containing expungement relief.¹³⁶ In addition, the Guidance provides best practices that arbitrators should follow when deciding expungement requests. To further guide the arbitrators' decision-making, the proposed rule change would expand the expungement hearing requirements currently in FINRA Rules 12805 and 13805 and incorporate relevant provisions from the Guidance. The proposed requirements would apply to all expungement hearings.¹³⁷

¹³⁵ See proposed Rules 12203(c) and 13203(c).

¹³⁶ See *supra* note 45.

¹³⁷ See proposed Rules 12805(c) and 13805(c).

The proposed requirements for expungement hearings would apply to expungement hearings held during a customer arbitration under proposed Rule 12805, a simplified customer arbitration under proposed Rule 12800 (see *infra* Item II.A.1.II.G., "Expungement Requests During Simplified Customer Arbitrations") and a straight-in request under proposed Rule 13805, unless otherwise specified.

1. Recorded Hearing Sessions

The Codes require a panel that is deciding an expungement request to hold a recorded hearing session (by telephone or in person) regarding the appropriateness of expungement.¹³⁸ The proposed rule change would provide that the panel must hold one or more separate recorded hearing sessions regarding the expungement request, clarifying that the panel would not be limited in the number of hearing sessions it should hold to decide the expungement request.¹³⁹ The proposed amendments would also remove the specific reference to the hearing being held by telephone or in person because, as discussed below, the participants in the hearing may appear by different methods.

2. Associated Person's Appearance

The proposed rule change would require the associated person whose information in the CRD system is the subject of the expungement request to appear in person or by video conference at the expungement hearing.¹⁴⁰ A party requesting expungement on behalf of an unnamed person or the party's representative would also be required to appear in person or by video conference at the hearing. The panel would determine the method of appearance.

As the associated person is seeking the permanent removal of information from the CRD system, FINRA believes the associated person should be required to appear in person or by video conference at the expungement hearing and be available to respond to questions. Requiring that the associated person's appearance be in person or by video conference would help the panel assess the associated person's credibility, which may be particularly important if the request is unopposed.

3. Customer's Attendance and Participation During the Expungement Hearing

The Guidance states that it is important to allow customers and their representatives to participate in the expungement hearing if they wish to do so.¹⁴¹ Specifically, the Guidance provides that arbitrators should:

¹³⁸ See FINRA Rules 12805(a) and 13805(a).

¹³⁹ See proposed Rules 12805(c)(1) and 13805(c)(1).

¹⁴⁰ See proposed Rules 12805(c)(2) and 13805(c)(2).

¹⁴¹ The Guidance directs arbitrators to permit customers and their counsel to participate in the expungement hearing. See Guidance, *supra* note 5. FINRA Rules 12208 and 13208 permit a party to be represented *pro se*, by an attorney or by a person who is not an attorney. Accordingly, the proposed amendments use the term "representative" rather

¹³¹ See proposed Rule 13805(a)(2)(B)(i).

¹³² See proposed Rule 13805(a)(2)(B)(ii).

¹³³ See FINRA Rules 12203 and 13203.

¹³⁴ See proposed Rules 12203(b) and 13203(b).

- Allow the customer and their representative to appear at the expungement hearing;
- Allow the customer to testify (telephonically, in person, or other method) at the expungement hearing;
- Allow the representative for the customer or a *pro se* customer to introduce documents and evidence at the expungement hearing;
- Allow the representative for the customer or a *pro se* customer to cross-examine the associated person or other witnesses called by the party seeking expungement; and
- Allow the representative for the customer or a *pro se* customer to present opening and closing arguments if the panel allows any party to present such arguments.

The proposed rule change would codify these provisions of the Guidance. The proposed rule change would make clear that all customers whose customer arbitrations, civil litigations or customer complaints are a subject of the expungement request are entitled to representation and may attend and participate in the expungement hearing.¹⁴² These customers would also be entitled to attend and participate in any prehearing conferences held for straight-in requests.¹⁴³ Because expungement requests may otherwise be unopposed, FINRA believes that the customers should be allowed to attend and participate in the entirety of the expungement hearing and any prehearing conferences.

The proposed rule change would provide that the customer could choose to attend and participate by telephone, in person or by video conference.¹⁴⁴ Customer attendance and participation during an expungement hearing

than “counsel.” See also Securities Arbitration—Should You Hire an Attorney? (Jan. 3, 2019), <https://www.finra.org/investors/insights/securities-arbitration>; How to Find an Attorney, <https://www.finra.org/arbitration-mediation/how-find-attorney>; and Resources for Investors Representing Themselves, <https://www.finra.org/arbitration-mediation/resources-investors-representing-themselves>.

¹⁴² See proposed Rules 12805(c)(3)(A), 12805(c)(4), 13805(c)(3)(A) and 13805(c)(4). The proposed rule change would make clear that customers also have the option to provide their position on the expungement request in writing in lieu of attending the hearing.

¹⁴³ See proposed Rule 13805(c)(3)(A). A prehearing conference is any hearing session, including an Initial Prehearing Conference (“IPHC”), that takes place before the hearing on the merits begins. See FINRA Rules 12100(y) and 13100(w); see also FINRA Rules 12500 and 13500. Under the proposal, all customers whose customer arbitrations, civil litigations or customer complaints are a subject of the straight-in request would be entitled to representation at prehearing conferences. See proposed Rule 13805(c)(4).

¹⁴⁴ See proposed Rules 12805(c)(3)(B) and 13805(c)(3)(B).

provides the panel with important information and perspective that it might not otherwise receive. By providing customers with options for how to attend and participate in hearings, FINRA seeks to encourage customer attendance and participation by making it easier for customers to do so.

The proposed rule change would also specify ways in which the customer must be allowed to attend and participate in the expungement hearing. First, the proposed rule change would provide that customers or customers’ representatives must be allowed to introduce evidence during the expungement hearing.¹⁴⁵ If the customer or customer’s representative introduces any evidence at the expungement hearing, a party could state objections to the introduction of the evidence during the expungement hearing.¹⁴⁶

Second, the customers and the customers’ witnesses would be allowed to testify at the expungement hearing and be questioned by the customer or customer’s representative.¹⁴⁷ If customers or their witnesses testify, the associated person or a party requesting expungement on behalf of an unnamed person would be allowed to conduct cross-examination.¹⁴⁸

Third, the customer or customer’s representative would be permitted to state objections to evidence and cross-examine the associated person or party requesting expungement on behalf of an unnamed person and any other witnesses called during the expungement hearing.¹⁴⁹

Fourth, the customer or customer’s representative would be permitted to present opening and closing arguments if the panel permits any party to present such arguments.¹⁵⁰

FINRA believes the proposal strikes the right balance of allowing the customer to attend and participate in the hearing and giving the associated person or party requesting expungement on behalf of an unnamed person the opportunity to substantiate arguments in support of the expungement request.

¹⁴⁵ See proposed Rules 12805(c)(5)(A) and 13805(c)(5)(A).

¹⁴⁶ See proposed Rules 12805(c)(5)(A) and 13805(c)(5)(A).

¹⁴⁷ See proposed Rules 12805(c)(5)(B) and 13805(c)(5)(B).

¹⁴⁸ See proposed Rules 12805(c)(5)(B) and 13805(c)(5)(B).

¹⁴⁹ See proposed Rules 12805(c)(5)(C) and 13805(c)(5)(C).

¹⁵⁰ See proposed Rules 12805(c)(5)(D) and 13805(c)(5)(D).

4. Panel Requests for Additional Documents or Evidence

Arbitrators on the panel do not conduct their own research when hearing an arbitration case; instead, they review the materials provided by the parties. If they need more information, they can request it from the parties. In deciding an expungement request, particularly in cases that settle before an evidentiary hearing or in cases where the customer does not attend or participate in the expungement hearing, the panel’s role as fact finder is critical. Given this significant role, the panel must ensure that it has all of the information necessary to make a fully informed decision on the expungement request on the basis of a complete factual record.

Thus, the proposed rule change would codify the ability of the panel to request from the associated person, the party requesting expungement on behalf of an unnamed person and the member firm at which the person was associated at the time the customer dispute arose, as applicable, any documentary, testimonial or other evidence that the panel deems relevant to the expungement request.¹⁵¹ This would allow the panel, for example, to require the associated person to produce documents that the panel deems relevant at the prehearing conference, to testify in response to questions by the panel at the hearing or to provide transcripts of previously obtained witness testimony.

5. Review of Settlement Documents

Current FINRA Rules 12805(b) and 13805(b) provide that, in the event a customer dispute is resolved by settlement, the panel considering the expungement request must review the settlement documents and consider the amount of payments made to any party and any other terms and conditions of the settlement.¹⁵² The proposed rule

¹⁵¹ See proposed Rules 12805(c)(6) and 13805(c)(7). The Guidance also suggests that arbitrators should ask the associated person seeking expungement or the party seeking expungement on an associated person’s behalf to provide a current copy of the BrokerCheck report for the person whose record would be expunged, paying particular attention to the “Disclosure Events” section of the report. See Guidance, *supra* note 5. FINRA continues to encourage arbitrators to request a current copy of the associated person’s BrokerCheck report.

¹⁵² The panel must review settlement documents that are related to the customer dispute information that is the subject of the expungement request, regardless of whether the associated person was a party to the settlement.

change would retain this requirement.¹⁵³

In addition, the Guidance encourages arbitrators to inquire and fully consider whether a party conditioned a settlement of a customer dispute upon an agreement not to oppose the request for expungement in cases in which the customer does not attend or participate in the expungement hearing or the requesting party states that a customer has indicated that the customer will not oppose the expungement request. Because conditioned settlements violate FINRA Rule 2081 and may be grounds to deny an expungement request, the proposed rule change would codify the language in the Guidance.¹⁵⁴

6. Unanimous Decision To Issue an Award Containing Expungement Relief

Current FINRA Rules 12805 and 13805 require that, in order to issue an award containing expungement of customer dispute information, the panel must indicate in the arbitration award which of the FINRA Rule 2080 grounds for expungement serves as the basis for its expungement order. Consistent with arbitration cases generally, the panel may award expungement based on a majority decision of the arbitrators.¹⁵⁵

The proposed rule change would require that the arbitrators agree unanimously to issue an award containing expungement relief.¹⁵⁶ Although the vast majority of expungement decisions are already unanimous,¹⁵⁷ FINRA believes that this change would help protect the integrity of the information in the CRD system and help ensure that the expungement process operates as intended—as a remedy that is appropriate only in

limited circumstances in accordance with the narrow standards in FINRA rules.¹⁵⁸

To further protect the integrity of the information in the CRD system, the proposed amendments would also provide that in order to issue an award containing expungement relief, the unanimous finding must be that one or more of the grounds for expungement enumerated in the proposed rule has been established: (1) the claim, allegation or information is factually impossible or clearly erroneous; (2) the associated person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds; or (3) the claim, allegation or information is false.¹⁵⁹ To help ensure there is no confusion as to which standard the arbitrators must apply, the proposed rule change would also state that the panel shall not issue, and the Director shall not serve, an award containing expungement relief based on any other grounds.¹⁶⁰

The Codes, which include FINRA Rules 12805 and 13805, govern the processes by which all arbitration cases are administered in the DRS arbitration forum.¹⁶¹ Accordingly, the three grounds referenced in proposed Rules 12805(c)(8)(A)(i) and 13805(c)(9)(A)(i) on which a panel must unanimously make a finding to issue an award containing expungement relief would be the exclusive grounds upon which a panel could award expungement in the DRS arbitration forum.¹⁶²

¹⁵³ See *supra* note 27 and accompanying text.

¹⁵⁴ See proposed Rules 12805(c)(8)(A)(i) and 13805(c)(9)(A)(i).

¹⁵⁵ See proposed Rules 12805(c)(8)(A)(ii) and 13805(c)(9)(A)(ii). FINRA further notes that it would be inappropriate to award expungement of customer dispute information that is associated with a customer arbitration or civil litigation in which the associated person was found liable. In this circumstance, the liability finding would be inconsistent with a finding that one of the three grounds has been established to issue an award containing expungement relief.

¹⁵⁶ See FINRA Rules 12101 and 13101 (describing how the Codes apply to disputes submitted to arbitration).

¹⁵⁷ FINRA Rule 2080 is not part of the Codes, and FINRA is not proposing amendments to FINRA Rule 2080 at this time. With this proposed rule change, FINRA is proposing to codify the grounds identified in FINRA Rule 2080(b)(1) as the exclusive grounds upon which an arbitration panel may issue an award containing expungement of customer dispute information from the CRD system. See *also supra* note 31 (discussing prior statements by the SEC and FINRA that expungement may occur only after the arbitrators find that one or more of the grounds in FINRA Rule 2080(b)(1) serves as the basis for the expungement award). The discretionary standard in FINRA Rule 2080(b)(2) would not be a basis for a panel to award expungement relief in the DRS arbitration forum. FINRA Rule 2080(b)(2) provides “FINRA”—not arbitrators in the DRS arbitration forum—the

7. Contents of the Expungement Award

The panel is currently required to provide a “brief” written explanation of the reasons for its finding that one or more of the grounds for expungement applies to the facts of the case.¹⁶³ The proposed rule change would retain the requirement to provide the written explanation, but would remove the word “brief” such that the panel would be required to provide enough detail in the award to explain its rationale for awarding expungement relief.¹⁶⁴ As the Guidance suggests, the panel’s explanation must be complete and not solely a recitation of one of the FINRA Rule 2080(b)(1) grounds or language provided in the expungement request. For the same reason, the proposed rule change would incorporate language from the Guidance that the panel’s explanation should identify any specific documentary, testimonial or other evidence on which the panel relied in awarding expungement relief.¹⁶⁵

8. Evidentiary Weight of Decision of Customer or Authorized Representative Not To Attend or Participate

The proposed amendments would also instruct the panel that the decision of a customer or an authorized representative of state securities regulators (“authorized representative”) not to attend or participate in the expungement hearing shall not be material to the determination of whether expungement is appropriate.¹⁶⁶ FINRA is aware that some panels have indicated in expungement awards that a customer did not appear at the

ability, “in [FINRA’s] sole discretion and under extraordinary circumstances,” to waive the obligation to name FINRA as an additional party to a court proceeding related to expungement of customer dispute information from CRD if FINRA “determines that: (A) the expungement relief and accompanying findings on which it is based are meritorious; and (B) the expungement would have no material adverse effect on investor protection, the integrity of the CRD system or regulatory requirements.”

Although FINRA is not proposing to amend FINRA Rule 2080 at this time, it is considering whether enhancements to the current expungement process through changes to FINRA Rule 2080 may be warranted. See Discussion Paper, *supra* note 13 (exploring potential alternatives to the current expungement process, including potential changes to FINRA Rule 2080).

¹⁶³ See FINRA Rules 12805(c) and 13805(c).

¹⁶⁴ See proposed Rules 12805(c)(8)(B) and 13805(c)(9)(B).

¹⁶⁵ See proposed Rules 12805(c)(8)(B) and 13805(c)(9)(B).

¹⁶⁶ See proposed Rules 12805(c)(8)(C) and 13805(c)(9)(C); see *also infra* Item II.A.1.I.F., “Attendance and Participation of an Authorized Representative of State Securities Regulators in Straight-in Requests” (discussing the attendance and participation in straight-in requests of an authorized representative of state securities regulators).

¹⁵³ See proposed Rules 12805(c)(7) and 13805(c)(8). FINRA Rule 2081 provides that no member firm or associated person shall condition or seek to condition settlement of a dispute with a customer on, or to otherwise compensate the customer for, the customer’s agreement to consent to, or not to oppose, the member’s or associated person’s request to expunge such customer dispute information from the CRD system. See *also* Prohibited Conditions Relating to Expungement of Customer Dispute Information FAQ, <https://www.finra.org/arbitration-mediation/faq/prohibited-conditions-relating-expungement-customer-dispute-information>.

¹⁵⁴ See proposed Rules 12805(c)(7) and 13805(c)(8).

¹⁵⁵ See FINRA Rules 12410 and 13414.

¹⁵⁶ See proposed Rules 12805(c)(8)(A) and 13805(c)(9)(A). FINRA notes that when deciding a customer’s claims, a majority decision of the arbitrators would continue to be sufficient.

¹⁵⁷ During the sample period, in arbitrations decided by a three-person arbitration panel and involving an expungement request, the panel decision was unanimous (not unanimous) in 98 percent (two percent) of arbitrations. In one percent of the arbitrations, the decision awarding expungement was not unanimous and would not have been permitted under the proposed change.

expungement hearing. A customer or an authorized representative may not attend, participate in or appear at an expungement hearing for a variety of reasons that may be unrelated to the merits of the expungement request. Accordingly, FINRA believes that a customer's or an authorized representative's decision not to attend or participate should not be given any evidentiary weight by the panel when making the expungement determination.

9. Forum Fees

The proposed rule change would retain the current requirements in FINRA Rules 12805(d) and 13805(d) that address how DRS arbitration forum fees are assessed in expungement hearings. Specifically, the panel must assess against the parties requesting expungement all DRS arbitration forum fees for each hearing session in which the sole topic is the determination of the appropriateness of expungement.¹⁶⁷

E. Notifications to Customers and to State Securities Regulators Regarding Expungement Requests

1. Notification to Customers by the Associated Person

The Guidance suggests that when a straight-in request is filed against a firm, arbitrators order the associated person to provide a copy of the statement of claim to the customers involved in the customer dispute that gave rise to the customer dispute information maintained in the CRD system. This helps ensure that the customers know about the expungement request and have an opportunity to attend and participate in the expungement hearing or provide a position in writing on the associated person's request. The proposed rule change would codify this practice in the Industry Code by requiring that the associated person serve all customers whose customer arbitrations, civil litigations or customer complaints are a subject of the expungement request with a copy of the statement of claim requesting expungement and any answer.¹⁶⁸ The associated person would be required to serve a copy of the statement of claim and a copy of any answer within 10 days of filing.¹⁶⁹ The panel would be authorized to decide whether extraordinary circumstances exist that

¹⁶⁷ See proposed Rules 12805(c)(9) and 13805(c)(10).

¹⁶⁸ See proposed Rule 13805(b)(1)(A)(i) and (ii). This requirement would apply to straight-in requests filed under the Industry Code; notice to customers would not be necessary for requests filed under proposed Rule 12805 of the Customer Code as the customer would be a named party.

¹⁶⁹ See proposed Rule 13805(b)(1)(A)(ii).

make service on the customers impracticable.¹⁷⁰

Given the associated person's personal interest in obtaining expungement, FINRA believes that the panel should review all documents that the associated person used to inform the customers about the expungement request as well as any customer responses received. Accordingly, the proposed rule change would require the associated person to file with the panel proof of service for the statement of claim and any answers, copies of all documents provided by the associated person to the customers, and copies of all communications sent by the associated person to the customers and any responses received from the customers.¹⁷¹ The proposed requirement would also help ensure that the associated person does not attempt to dissuade a customer from attending or participating in the expungement hearing.

2. Notifications to the Customer by the Director

Customer attendance and participation in expungement hearings helps the panel fully develop a record on which to decide the expungement request. Accordingly, the proposed rule change would require the Director to notify all customers whose customer arbitrations, civil litigations or customer complaints are a subject of the expungement request, of the time, date and place of any prehearing conferences and the expungement hearing.¹⁷²

The Director would include language in the notice to encourage the customer to attend and participate in the expungement hearing. The associated person would be required to provide a current address for the customer,¹⁷³ or the expungement request would be considered deficient and would not be served.¹⁷⁴ The Director's notice to the customer would serve as a reminder of the expungement request and would provide the customer with timely notice of any prehearing conferences and expungement hearings so that customers

¹⁷⁰ See proposed Rule 13805(b)(1)(A)(i).

¹⁷¹ See proposed Rule 13805(b)(1)(A)(iv).

¹⁷² See proposed Rule 13805(b)(1)(B)(i). This requirement would apply to straight-in requests filed under the Industry Code; notice to customers would not be necessary for requests filed under proposed Rule 12805 of the Customer Code as the customer would be a named party. See also *infra* Item II.A.1.II.G.3., "Customer Notification of Expungement Hearings during Simplified Arbitrations" (discussing customer notification of expungement hearings in connection with simplified arbitrations).

¹⁷³ See proposed Rule 13805(b)(1)(B)(i).

¹⁷⁴ See proposed Rule 13307(a)(7).

may plan and prepare to attend and participate if they choose.

The Director would also provide the notified customers with access to all documents that are relevant to (a) the expungement request that are filed in the straight-in request and (b) any prior customer arbitration brought by the customer that is a subject of the expungement request.¹⁷⁵ This would provide the customer with access to the key documents surrounding the request for expungement prior to their attendance and participation in the expungement hearing.

3. Notifications to State Securities Regulators

The proposed rule change would require FINRA to notify state securities regulators, in the manner determined by the Director in collaboration with state securities regulators, of an expungement request within 15 days of receiving an expungement request.¹⁷⁶ The proposed notification requirement would help ensure that state securities regulators are timely notified of expungement requests.

F. Attendance and Participation of an Authorized Representative of State Securities Regulators in Straight-In Requests

The current expungement process does not include a mechanism to facilitate state securities regulator involvement in expungement hearings in the DRS arbitration forum. The proposed rule change would provide a mechanism for an authorized representative to provide the state securities regulators' position or positions on an expungement request in writing or by attending and participating in the expungement hearing in person or by video conference.¹⁷⁷ This attendance and participation by an authorized representative of the state securities regulators would be limited to straight-

¹⁷⁵ See proposed Rule 13805(b)(1)(B)(ii). FINRA would provide customers with access to the documents through the DR Portal. The DR Portal has two parts: the DR Neutral Portal is for FINRA neutrals serving on the Dispute Resolution roster, and the DR Party Portal is for arbitration and mediation case participants. Once registered on the DR Portal, parties may use the portal to, among other things, file an arbitration claim, view case documents, submit documents to FINRA and send documents to other portal case participants, and schedule hearing dates. See FINRA Dispute Resolution Services, DR Portal, <https://www.finra.org/arbitration-mediation/dr-portal>.

¹⁷⁶ See proposed Rules 12800(f)(1), 12805(b) and 13805(b)(2)(A). FINRA would make this notification in connection with expungement requests under the Customer and Industry Codes. Such notification could be achieved by notifying NASAA of the expungement requests.

¹⁷⁷ See proposed Rule 13805(c)(6)(A).

in requests, where the panel may otherwise only hear evidence from the party requesting expungement.

At the same time as providing notification to state securities regulators of a straight-in request, the Director would provide state securities regulators with access to all documents relevant to (a) the expungement request filed in the arbitration requesting expungement relief and (b) any other customer arbitration brought under the Customer Code that is associated with the customer dispute information that is a subject of the expungement request.¹⁷⁸ Providing state securities regulators with these documents would help facilitate a determination of whether to attend and participate in the expungement hearing.

If the Director receives notification from an authorized representative no later than 30 days after the last answer is due that the authorized representative intends to attend and participate in the expungement hearing, the Director shall notify the authorized representative of the time, date and place of any prehearing conferences and the expungement hearing.¹⁷⁹ At the expungement hearing, the authorized representative would be permitted to: (1) introduce documentary, testimonial, or other evidence; (2) cross-examine witnesses; and (3) present opening and closing arguments if the panel allows any party to present such arguments.¹⁸⁰ The other persons appearing at the expungement hearing could state objections to the authorized representative's evidence and cross-examine the authorized representative's witnesses.¹⁸¹

The authorized representative would not be considered a party to the proceeding and their attendance and participation would be limited to what is authorized by proposed Rule 13805(c)(6).¹⁸² In addition, the panel would not be permitted to allow the attendance or participation of the authorized representative to materially delay the scheduling of the expungement hearing.¹⁸³

¹⁷⁸ See proposed Rule 13805(b)(2)(B). The state securities regulators' access to the documents would be subject to confidentiality restrictions. Outside of the DRS arbitration process, state securities regulators could choose to seek access to additional documents and information pursuant to their separate authority.

¹⁷⁹ See proposed Rule 13805(b)(3).

¹⁸⁰ See proposed Rule 13805(c)(6)(B).

¹⁸¹ See proposed Rule 13805(c)(6)(C).

¹⁸² As such, an authorized representative would not be entitled to seek discovery from the parties through the DRS arbitration forum, file motions, or seek to postpone a hearing.

¹⁸³ See proposed Rule 13805(c)(6)(A).

Allowing an authorized representative to attend and participate in straight-in requests may provide meaningful opposition to the expungement request, which might otherwise be unopposed, and thus help create a more complete factual record for the panel to rely upon to decide the expungement request. NASAA and state securities regulators have a shared interest with FINRA in protecting the integrity of the information contained in the CRD system, as it is a crucial tool in their registration and oversight responsibilities. According to NASAA, "[s]tate securities regulators are often legally obligated to maintain the information in the CRD system as a state record. Much of the information in the CRD system is filed with state securities regulators as part of the registration and qualification process, or filed by state securities regulators themselves. The Uniform Securities Acts, which form the basis of most state securities statutes, generally provide that securities regulators must retain all information filed as part of a registration application or as an amendment to the information filed as part of the application."¹⁸⁴ Thus, NASAA has indicated that expungement of customer dispute information potentially implicates the public records obligations of state governments.¹⁸⁵

The proposal would not allow an authorized representative to attend or participate in a customer arbitration where expungement has been requested; such attendance or participation could substantially disrupt the customer's case and would be less impactful, as the panel hears the customer's evidence on the merits.

FINRA believes that the proposed rule change strikes the appropriate balance between respecting states' interest in the information in the CRD system and maintaining the integrity of the arbitration process.

G. Expungement Requests During Simplified Customer Arbitrations

Customer arbitrations involving \$50,000 or less, called simplified arbitrations, are governed by FINRA Rule 12800. FINRA Rule 12800 provides customers with expedited procedures to make the DRS arbitration forum economically feasible for these smaller claims. Simplified arbitrations are

¹⁸⁴ Brief of Amicus Curiae North American Securities Administrators Association, Inc. in Support of the Division of Securities and Retail Franchising, at 6–7, <https://www.nasaa.org/wp-content/uploads/2021/06/Brief-of-Amicus-Curiae-NASAA-in-Support-of-the-Div-of-Securities-and-Retail-Franchising-06.23.21.pdf>.

¹⁸⁵ See *supra* note 184.

decided on the pleadings and other materials submitted by the parties, unless the customer requests a hearing.¹⁸⁶ Further, a single arbitrator from the public chairperson roster is appointed to consider and decide simplified arbitrations, unless the parties agree in writing otherwise.¹⁸⁷

The customer who files a simplified arbitration determines how the claim will be decided. In particular, the customer has the option of having the case decided in one of three ways: (1) without a hearing (referred to as "on the papers"), where the arbitrator decides the case on the pleadings or other materials; (2) in an "Option One" full hearing, in which prehearings and hearings on the merits take place pursuant to the regular provisions of the Code; or (3) in an "Option Two" special proceeding, whereby the parties present their case in a hearing to the arbitrator in a compressed timeframe, so that the hearings last no longer than one day.¹⁸⁸

Currently, named associated persons and parties requesting expungement on behalf of unnamed persons request expungement during simplified arbitrations. FINRA Rule 12800 does not, however, expressly address how an expungement request should be filed or considered during a simplified arbitration. The proposed rule change would codify an associated person's ability to request expungement when named as a respondent in a simplified arbitration, and for other parties to request expungement on behalf of an unnamed person. The proposed rule change would also establish procedures for requesting and considering expungement requests in simplified arbitrations that are consistent with the expedited nature of these proceedings.¹⁸⁹

¹⁸⁶ See FINRA Rule 12800(a).

¹⁸⁷ See FINRA Rule 12800(b). The parties could agree to have a three-person panel decide the simplified case. For ease of reference, when discussing expungement requests in simplified arbitrations under the proposed rule change, the rule filing uses the term "arbitrator," unless otherwise specified, to mean either a panel or single arbitrator.

¹⁸⁸ See FINRA Rule 12800(c). Among the customer arbitrations that closed in 2021, 14 percent were simplified cases. Among the simplified customer cases which closed, 23 percent closed on the papers, four percent closed with a full hearing, and four percent closed by special proceeding. The remaining 69 percent closed by other means including by settlement and withdrawal.

¹⁸⁹ See proposed Rules 12800(d) and (e). Under the proposed rule change, an associated person would not be permitted to request expungement in a simplified arbitration administered under the Industry Code, FINRA Rule 13800. All expungement requests under the Industry Code must be filed in accordance with proposed Rule 13805.

1. Requesting Expungement

The proposed rule change would permit a named associated person to request expungement, or a party to file an on-behalf-of request, during a simplified arbitration. As discussed in more detail below, unlike in a non-simplified arbitration, if expungement is not requested during the simplified arbitration, the associated person would be permitted to request it as a straight-in request filed under the Industry Code.¹⁹⁰

a. By a Named Associated Person During the Simplified Arbitration

Under the proposed rule change, an associated person named as a respondent in a simplified arbitration could request expungement during the arbitration of the customer dispute information associated with the customer's statement of claim, provided the request is eligible for arbitration.¹⁹¹

If a named associated person requests expungement during a simplified arbitration, the proposed rule change would require the request to be filed in an answer or a separate pleading requesting expungement.¹⁹² If the named associated person requests expungement in a pleading other than an answer, the request must be filed within 30 days after the date FINRA notifies the parties of the appointment of the arbitrator.¹⁹³ Given the expedited nature of the simplified arbitration process, tying the request to these milestones would ensure that parties receive timely notice of the expungement request so that they may prepare their cases accordingly. The request would be required to include the same information as a request filed in a non-simplified arbitration.¹⁹⁴

¹⁹⁰ See *infra* Item II.A.1.II.G.1.c., "When No Expungement Request is Filed in a Simplified Arbitration."

¹⁹¹ See proposed Rule 12800(d)(1)(A). The limitations that apply to expungement requests filed by a named associated person under proposed Rule 12805(a)(1)(B) would apply to these requests. See *supra* Item II.A.1.II.C., "Limitations on Expungement Requests."

¹⁹² See proposed Rule 12800(d)(1)(B)(i). A respondent's answer must be submitted within 45 days of receipt of the statement of claim. See *supra* note 46.

¹⁹³ See proposed Rule 12800(d)(1)(B)(i). When FINRA notifies the parties when an arbitrator has been appointed, FINRA informs the parties that they have 30 days from the date of notification to submit additional documents or other information before the case is submitted to the arbitrator.

¹⁹⁴ See proposed Rules 12800(d)(1)(B)(i) and 12805(a)(1)(C)(ii). Thus, the associated person's expungement request would be required to contain the applicable filing fee; the CRD number of the party requesting expungement; each CRD occurrence number that is the subject of the request; the case name and docket number associated with the customer dispute information; and an

To limit arbitrator shopping, the arbitrator would be required to decide an expungement request once it is filed by the associated person.¹⁹⁵ If an associated person withdraws or does not pursue the request after filing, the arbitrator would be required to deny the request with prejudice so that it could not be re-filed.¹⁹⁶

b. By a Party on Behalf of an Unnamed Person

Under the proposed amendments, the requirements for a party to file an on-behalf-of request during a simplified arbitration would be the same as the requirements for a named associated person filing an expungement request during a simplified arbitration. A named party would only be able to file an on-behalf-of request during a simplified arbitration with the consent of the unnamed person.¹⁹⁷ As with on-behalf-of requests filed in customer arbitrations under proposed Rule 12805(a)(2), the unnamed person who would benefit from the expungement request must consent to such filing by signing the Form.¹⁹⁸

To limit arbitrator shopping, the arbitrator would be required to decide an on-behalf-of request once it is filed by the requesting party.¹⁹⁹ If the requesting party withdraws or does not pursue the on-behalf-of request after filing, the arbitrator would be required to deny the request with prejudice so that it could not be re-filed.²⁰⁰

c. When No Expungement Request Is Filed in a Simplified Arbitration

If expungement is not requested during the simplified arbitration under proposed Rule 12800(d), the associated person would be able to file a straight-in request under proposed Rule 13805 and have the request decided by a three-person panel randomly selected from the Special Arbitrator Roster.²⁰¹ The request would be subject to the limitations on whether and when such

explanation of whether expungement of the same customer dispute information was previously requested and, if so, how it was decided.

¹⁹⁵ See proposed Rules 12800(d)(1)(B)(ii) and 12800(e)(1).

¹⁹⁶ See proposed Rule 12800(d)(1)(C).

¹⁹⁷ See proposed Rule 12800(d)(2)(A).

¹⁹⁸ See proposed Rule 12800(d)(2). The request must also meet the same requirements as an on-behalf-of request filed under proposed Rule 12805(a)(2). See proposed Rules 12805(a)(1)(C)(ii), 12805(a)(2)(C)(ii) and 12805(a)(2)(D); see also *supra* Item II.A.1.II.A.1.b., "Expungement Requests By a Party Named in the Customer Arbitration On Behalf Of an Unnamed Person."

¹⁹⁹ See proposed Rules 12800(d)(2)(B)(ii) and 12800(e)(1).

²⁰⁰ See proposed Rule 12800(d)(2)(C).

²⁰¹ See proposed Rules 12800(e)(2), 13805(a)(1) and 13806.

requests may be filed under the Industry Code.²⁰²

Due to the expedited nature of simplified arbitrations, FINRA believes that fairness dictates that the associated person have the option to seek expungement separately under the Industry Code and have the expungement request decided by a panel randomly selected from the Special Arbitrator Roster. In simplified arbitrations, there may be less discovery, and the customer can dictate the extent of the evidence presented to the arbitrator. The customer may, for example, determine to have the arbitration decided on the papers. Because there may be less information available for the arbitrator to evaluate an expungement request during a simplified arbitration—even when the simplified arbitration results in an award—the associated person would retain the ability to choose to file the request as a straight-in request under the Industry Code.²⁰³

2. Deciding Expungement Requests During Simplified Arbitrations

If a named associated person or party on behalf of an unnamed person requests expungement during a simplified arbitration, the arbitrator would be required to decide the expungement request, regardless of how the simplified arbitration closes (*e.g.*, even if the arbitration settles).²⁰⁴ As discussed in more detail below, arbitrators deciding expungement requests in simplified arbitrations would be experienced public arbitrators who would be required to evidence successful completion of, and agreement with, the enhanced expungement training provided by DRS prior to considering and deciding the expungement request.

Under the proposed rule change, how and when the expungement request is decided would depend on which option the customer selects to decide the simplified arbitration.

a. No Hearing or Option Two Special Proceeding

If the customer opts not to have a hearing or chooses an Option Two special proceeding, the arbitrator would decide the customer's dispute first and

²⁰² See proposed Rule 13805(a)(2); see also *supra* Item II.A.1.II.C., "Limitations on Expungement Requests."

²⁰³ This would allow the associated person to obtain and present evidence from the member firm at which they were associated at the time the customer dispute arose without interfering with the simplified customer arbitration process. See proposed Rule 13805(a)(1) and FINRA Rule 13506.

²⁰⁴ See proposed Rule 12800(e)(1).

issue an award.²⁰⁵ After the customer's dispute is decided, the arbitrator must hold a separate expungement-only hearing to consider and decide the expungement request and issue a separate, subsequent award.²⁰⁶

The arbitrator would decide the customer's dispute first and issue an award to minimize any delays in resolving the customer arbitration and any delays in potential recovery that a customer may be awarded. Further, because the customer arbitration may not be as fully developed when an "on the papers" or special proceeding is requested, the arbitrator would conduct a separate expungement-only hearing to develop the factual record and make a fully informed decision on the expungement request, and could request any documentary, testimonial or other evidence it deems relevant to the expungement request.

b. Option One Hearing

If the customer chooses to have a full "Option One" hearing on his or her claim and it closes by award, the arbitrator would be required to consider and decide the expungement request during the customer arbitration and include the decision on the expungement request in the same award as the decision on the customer arbitration.²⁰⁷ This process would be the same as deciding an expungement request during a non-simplified customer arbitration that closes by award after a hearing, where the customer's claim and expungement request are addressed during the customer arbitration.

If the customer arbitration closes other than by award or by award without a hearing, the arbitrator would be required to hold a separate expungement-only hearing to consider and decide the expungement request and issue a separate award containing the decision on the expungement request.²⁰⁸ The arbitrator would conduct a separate expungement-only hearing to develop the factual record and make a fully informed decision on the expungement request.

FINRA does not believe that it is necessary for a panel from the Special Arbitrator Roster to decide an expungement request if a simplified

customer arbitration is decided on the papers, in an Option Two special proceeding, or if the simplified customer arbitration closes other than by award or by award without a hearing. FINRA believes that the public chairpersons who decide simplified arbitrations would be fully capable of making appropriate expungement decisions on the basis of their experience.²⁰⁹ In addition, the public chairperson would be required to evidence successful completion of, and agreement with, the enhanced expungement training provided by DRS prior to considering and deciding the expungement request and, therefore, would have the same enhanced expungement training as the arbitrators on the Special Arbitrator Roster.

If the Commission approves the proposed rule change, FINRA notes, however, that it will continue to monitor expungement requests and decisions in simplified arbitrations to determine if such requests should be decided by the Special Arbitrator Roster.

3. Customer Notification of Expungement Hearings During Simplified Arbitrations

The Director would notify all customers from the simplified arbitration of the separate expungement-only hearing.²¹⁰ The Director's notice would serve as a reminder of the expungement request and would provide the customers with timely notice of the expungement hearing so that the customers and their representatives may plan and prepare to attend and participate if they choose.

H. Non-Substantive Changes

FINRA is also proposing to amend the Codes to make non-substantive, technical changes to the rules impacted by the proposed rule change. For example, the proposed rule change would require the renumbering of paragraphs and the updating of cross-references in the rules impacted by the proposed rule change. In addition, the title of Part VIII of the Customer Code would be amended to add a reference to "Expungement Proceedings." Similarly, the title of Part VIII of the Industry Code would be amended to add a reference to "Expungement Proceedings" and "Promissory Note Proceedings." FINRA believes the proposed changes to the titles would more accurately reflect the contents of Part VIII of the Customer and Industry Codes. FINRA is also proposing to re-number current FINRA

Rule 13806 (Promissory Note Proceedings) as new FINRA Rule 13807, without substantive change to the current rule language and to amend FINRA Rule 13214 to change the cross references from Rules 13806(d)(1) and 13806(f) to Rules 13807(d)(1) and 13807(f), respectively. Finally, FINRA would also amend FINRA Rule 13600 to change the cross reference from Rule 13806(e)(1) to Rule 13807(e)(1).

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* following Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,²¹¹ 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.

The proposed rule change seeks to balance the interests of securities regulators in having accurate and relevant information to fulfill their regulatory responsibilities; the interests of investors in having access to accurate and meaningful information about associated persons with whom they may entrust their money; the interests of member firms in having accurate information for use in making informed employment decisions; and the interests of the brokerage community in having a fair process to address inaccurate customer dispute information. The proposed rule change will help ensure that the expungement process works as intended—as a remedy that is appropriate only in limited circumstances in accordance with the narrow standards in FINRA rules.

The current expungement framework has limitations that can make deciding straight-in requests more challenging, particularly if the customer or customer's representative does not attend and participate in the hearing. By having three specially trained and randomly selected arbitrators available to ask questions, request evidence and generally to serve as fact-finders in the absence of customer input, the proposed rule change will help ensure that a more complete factual record is created to support the arbitrators' expungement decision. In addition, the proposed rule change will specifically authorize all panels that consider expungement requests to request any documentary,

²⁰⁵ See proposed FINRA Rule 12800(e)(1)(A).

²⁰⁶ See proposed Rule 12800(e)(1)(A). The arbitrator must conduct the expungement hearing pursuant to proposed Rule 12805(c). The expungement award must meet the requirements of proposed Rule 12805(c)(8), and the DRS arbitration forum fees would be assessed pursuant to proposed Rule 12805(c)(9).

²⁰⁷ See proposed Rule 12800(e)(1)(B)(i).

²⁰⁸ See proposed Rule 12800(e)(1)(B)(ii).

²⁰⁹ See *supra* note 102 and accompanying text.

²¹⁰ See proposed Rule 12800(f)(2).

²¹¹ 15 U.S.C. 78o.

testimonial or other evidence that they deem relevant to the expungement request from a member firm or associated person.

To further support the development of a more complete factual record, the proposed rule change will require that the associated person appear at the expungement hearing in person or by video conference. The proposed rule change will also codify the Guidance as rules that arbitrators and parties must follow and facilitate the attendance and participation of customers in all expungement hearings, and by state securities regulators, through an authorized representative, in expungement hearings in straight-in requests. If they attend and participate, customer and authorized representative attendance and participation will provide arbitrators with additional insight to make more informed decisions on expungement requests. In the absence of such input, however, the proposal will clarify that a customer or authorized representative's decision not to attend or participate in the expungement hearing is not evidence that is material to the determination of whether expungement is appropriate.

The proposed rule change will also maintain the integrity of the information in the CRD system by imposing strict time limits on the filing of straight-in requests. The DRS arbitration forum will be denied if the expungement request is made more than two years after the close of the customer arbitration or civil litigation associated with the customer dispute information or three years after the date the customer complaint was initially reported in the CRD system. These changes will ensure that expungement requests are timely filed and will curtail the bundling of multiple aged, and often unrelated, disclosures in a single arbitration.

The proposed rule change will also protect investors and the public interest by requiring arbitrators to unanimously agree to issue an award containing expungement relief, to make their finding for expungement relief based on one or more of three grounds specified in the proposed rule change, to identify the specific grounds on which that relief is based and to provide a more detailed explanation in the award of those grounds.

In addition, the proposed rule change will foreclose a practice that has emerged in the existing expungement process where parties seek expungement after a prior denial by a court or arbitration panel of a request to expunge the same customer dispute information, or where parties withdraw or do not pursue an expungement

request and then make another request for expungement of the same customer dispute information before a potentially more favorable fact finder. The proposed rule change imposes procedures and requirements around when and how a party may request expungement, and expressly provides that omission of certain of the requirements will make the expungement request deficient. Further, the proposed rule change provides the Director with express authority to deny the DRS arbitration forum if an expungement request is ineligible for arbitration under the proposed rules or if a request to expunge customer dispute information is not filed under, or considered in accordance with, the requirements of the proposed rules. Thus, FINRA believes the proposed rule change will add tighter controls, additional safeguards and more transparency to the expungement process.

In addition, the process of requesting expungement during a simplified arbitration will be codified to help ensure that customers are aware they can attend and participate in the expungement hearing and how an expungement request will affect (and not affect) their arbitration claims. By expressly incorporating the practice of requesting expungement during simplified proceedings, the proposed amendments add consistency and transparency to the rules and provide more guidance to the arbitrators and the parties requesting expungement.

For these reasons, the proposed rule change represents a significant step towards addressing concerns with the current expungement framework. FINRA believes that these changes will help to maintain the accuracy and integrity of the information in the CRD system and BrokerCheck, while also protecting associated persons from the publication of inaccurate information about them.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment to analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in

assessing how best to meet FINRA's regulatory objectives.

1. Regulatory Need

The proposed rule change would address concerns relating to the expungement process that are not consistent with the regulatory intent to permit expungement in limited circumstances in accordance with the narrow standards in FINRA rules. The concerns include the timing of expungement requests, the resulting impact on customer attendance and participation in expungement hearings, and the ultimate impact on expungement decisions made when customers do not attend or participate and the panel receives information only from the associated person requesting expungement. The concerns also include the selection of arbitrators to hear straight-in requests when the associated person files a statement of claim against a member firm whose interest in expungement might be aligned with the associated person, and requests to expunge the same customer dispute information in multiple proceedings. The proposed rule change would also codify and expand upon the provisions of the Guidance to help ensure that arbitrators and parties are adhering to these procedures for all expungement requests.

2. Economic Baseline

The economic baseline for the proposed rule change includes the current provisions under the Codes that address the process for parties to seek expungement relief. The economic baseline includes the recent amendments to the Codes to apply minimum fees to expungement requests.²¹² In addition, because arbitrators are generally believed to be adhering to the best practices and recommendations that are a part of the Guidance, the economic baseline also includes the Guidance.²¹³ The proposed rule change is expected to affect associated persons and other parties to expungement requests including member firms, customers, state securities regulators, and arbitrators. The proposed rule change is also expected to affect users of customer dispute information contained in the CRD system and displayed through BrokerCheck.²¹⁴

²¹² See *supra* note 10.

²¹³ See Guidance, *supra* note 5.

²¹⁴ Users of customer dispute information include investors, member firms and other companies in the financial services industry; associated persons or individuals seeking employment in the brokerage

The customer dispute information contained in the CRD system is submitted by registered securities firms in response to questions on the uniform registration forms.²¹⁵ The customer dispute information must be reported regardless of the merit of the allegations. FINRA makes specific CRD information disclosed by firms publicly available through BrokerCheck.²¹⁶

The information in BrokerCheck can be valuable to current and prospective customers to learn about the conduct of associated persons.²¹⁷ Current and prospective customers may not select or remain engaged with an associated person or a member firm that employs an associated person with a record of customer disputes. Similarly, member firms and other companies in the financial services industry may use the information when making employment decisions. In this manner, the customer dispute information contained in the CRD system (and displayed through BrokerCheck) may positively or negatively affect the business and professional opportunities of associated persons. Where the information is reliable, it also provides for customer protections and information useful for member firms.²¹⁸

A negative impact on the business and professional opportunities of associated persons may be appropriate and consistent with investor protection, such as when the customer dispute information has merit. A negative impact may be inappropriate, however, if, for example, the customer dispute information is factually impossible, clearly erroneous or false, or the associated person was not involved in the alleged misconduct. Regardless of the merit, associated persons have an incentive to remove customer dispute information from the CRD system and its public display through BrokerCheck.

industry; and FINRA, state securities regulators, and other regulators.

²¹⁵ See *supra* notes 20 and 21 and accompanying text for additional discussion of the uniform registration forms and the information contained in the CRD system. Some of the information may involve pending actions or allegations that have not been resolved or proven.

²¹⁶ See *supra* note 22 and accompanying text.

²¹⁷ Recent academic studies provide evidence that the past disciplinary and other regulatory events associated with a firm or individual can be predictive of similar future events. See Hammad Qureshi & Jonathan Sokobin, *Do Investors Have Valuable Information About Brokers?* FINRA Office of the Chief Economist Working Paper, Aug. 2015; see also Mark Egan, Gregor Matvos, & Amit Seru, *The Market for Financial Adviser Misconduct*, 127(1) *Journal of Political Economy* 233–295 (2019).

²¹⁸ FINRA, state securities regulators, and other regulators also use customer dispute information submitted to the CRD system to regulate associated persons. See *supra* Item II.A.1.B., “Customer Dispute Information in the CRD System.”

An associated person, or a party on behalf of an unnamed person, typically begins the process to remove customer dispute information from the CRD system by filing an expungement request in the DRS arbitration forum. During the sample period (January 2016 through December 2021), FINRA is able to identify requests to expunge 11,619 customer dispute information disclosures in the DRS arbitration forum.²¹⁹ More than one customer dispute information disclosure may be sought to be expunged in a single arbitration, and multiple expungement requests may relate to the same arbitration, civil litigation, or complaint if the dispute relates to more than one associated person.

The 11,619 customer dispute information disclosures consist of 5,143 disclosures (44 percent) that were sought to be expunged during a customer arbitration, and 6,476 disclosures (56 percent) that were sought to be expunged in a straight-in request.²²⁰ The 5,143 disclosures sought to be expunged during a customer arbitration include 4,714 sought to be expunged during a non-simplified customer arbitration and 429 sought to be expunged during a simplified customer arbitration. The associated person was a named party for 2,322 of the 5,143 disclosures (45 percent), and an unnamed party for 2,821 of the 5,143 disclosures (55 percent). The 6,476 customer dispute information disclosures sought to be expunged in a straight-in request include 116 disclosures where the associated person named the customer as a respondent.

Associated persons often file a straight-in request long after the close of the customer arbitration or civil litigation or the initial reporting of the customer complaint to the CRD system. For example, approximately three-fifths of customer dispute information disclosures that were sought to be expunged in straight-in requests were filed more than six years after the close of a customer arbitration or the initial reporting of the customer complaint.²²¹

As of December 2021, 10,156 of the 11,619 customer dispute information

²¹⁹ The 11,619 requests to expunge customer dispute information disclosures include some requests to expunge the same customer dispute information disclosure in more than one arbitration.

²²⁰ Fifty requests to expunge customer dispute information were made during industry arbitrations that were not straight-in requests. To simplify the analysis, FINRA excludes these 50 requests from the sample.

²²¹ A six-year time-period from the time-period start date reflects the six-year eligibility rule which applies to all arbitration claims, including those claims requesting expungement of customer dispute information. See *supra* note 38.

disclosures were sought to be expunged in an arbitration that closed.²²² The 10,156 disclosures consist of 4,346 disclosures (43 percent) sought to be expunged during a customer arbitration and 5,810 disclosures (57 percent) sought to be expunged in a straight-in request. A panel made a decision in arbitrations relating to 6,997 of the 10,156 disclosures in arbitrations that closed and made no decision in arbitrations relating to the remaining 3,159 disclosures. A single arbitrator made a decision in arbitrations relating to 5,311 of the 6,997 disclosures, and a (two- or) three-person panel made a decision in arbitrations relating to the remaining 1,686 disclosures. For the customer arbitrations, the decision by a panel may relate to the arbitration, an expungement request, or both. For the straight-in requests, the decision would relate to the expungement request only. In arbitrations where no decision on the merits of the customer case or an expungement request was made, the requests were either not eligible, withdrawn, or otherwise not pursued by the associated person or party that filed the request.

Overall, 5,443 of the customer dispute information disclosures sought to be expunged resulted in a panel issuing an award containing expungement relief. The 5,443 disclosures reflect 54 percent of the 10,156 disclosures sought to be expunged in arbitrations that closed, and 78 percent of the 6,997 disclosures sought to be expunged in arbitrations where a panel made a decision.²²³ The percentage of expungement requests that are awarded is higher when the panel receives information only from the associated person or other party requesting expungement. The panel is likely to receive information only from the party requesting expungement when (1) the customer arbitration is resolved without a hearing on the merits (*e.g.*, settles), or (2) an associated person files a straight-in request against a member firm. In both circumstances, the customer has little incentive to attend or participate in an expungement hearing and, in the experience of FINRA staff, generally does not.

²²² In order to focus on the rate at which panels award expungement under different scenarios, the remaining discussion considers only arbitrations in the sample period that closed.

²²³ Another recent academic study provides evidence that associated persons who receive an award containing expungement relief in the DRS arbitration forum are “3.3 times as likely to engage in new misconduct as the average broker.” See Colleen Honigsberg & Matthew Jacob, *Deleting Misconduct: The Expungement of BrokerCheck Records*, 139(3) *Journal of Financial Economics* 800–831 (2021): 800–831.

Among the 6,997 disclosures sought to be expunged in arbitrations where a panel made a decision, 1,632 disclosures were sought to be expunged during a non-simplified or simplified customer arbitration, and 5,365 disclosures were sought to be expunged in a straight-in request. A panel awarded expungement for 943 of the 1,632 disclosures (58 percent) sought to be expunged during a customer arbitration. This includes 267 of the 632 disclosures (42 percent) sought to be expunged during a customer arbitration that resolved after a hearing on the merits, and 676 of the 1,000 disclosures (68 percent) sought to be expunged during a customer arbitration not resolved after a hearing on the merits. A panel awarded expungement for 4,500 of the 5,365 disclosures sought to be expunged in a straight-in request (84 percent).

In general, whether an associated person obtains an award containing expungement relief does not appear to be significantly impacted by the number of arbitrators deciding the request. For example, among the 1,632 disclosures sought to be expunged during a non-simplified or simplified customer arbitration, a similar percentage of requests were awarded by a one-person panel (279 of 490 disclosures, or 57 percent) as were awarded by a three-person panel (664 of 1,142 disclosures, or 58 percent). In addition, among the 5,365 disclosures sought to be expunged in straight-in requests, a similar percentage of requests were awarded by a one-person panel (4,035 of 4,821 disclosures, or 84 percent) as were awarded by a three-person panel (465 of 544 disclosures, or 85 percent).

Requests to expunge older customer dispute information also are awarded at a similar rate to requests to expunge more recent customer dispute information. FINRA measures the age of customer dispute information from either the close of the customer arbitration or civil litigation, or, if no customer arbitration or civil litigation, from the initial reporting of the customer complaint to the CRD system (*i.e.*, time limit start date). Among the 5,365 customer dispute information disclosures sought to be expunged in straight-in requests, a similar percentage resulted in an award that were filed less than six years from the time limit start date (1,673 of 1,984 disclosures, or 84 percent) as were filed more than six years from the time limit start date (2,827 of 3,381 disclosures, or 84 percent).

Factors other than, or in combination with, the number of arbitrators deciding the expungement request or the timing

of the expungement request, however, may affect whether an associated person receives an award containing expungement relief. These factors include the merits of the request, the attendance and participation by customers or the availability of documents or information relating to the dispute, and the potential influence of associated persons and member firms on the selection of the panel who decides the request.

As stated above, FINRA will expunge customer dispute information from the CRD system only pursuant to a court order. If the panel awards expungement, then the firm or associated person must confirm the arbitration award in a court of competent jurisdiction and serve the confirmed award on FINRA.²²⁴ As of December 2021, FINRA had removed 4,717 customer dispute information disclosures from the CRD system from the possible 5,443 disclosures (87 percent) for which a panel issued an award containing expungement relief. Firms or associated persons may have not yet sought or obtained a court order for the remaining disputes. There also may be instances where expungement was sought and awarded by a panel, but a court order was never obtained.

During the sample period, approximately one-third of the 4,717 customer dispute information disclosures (1,447, or 31 percent) that were expunged were submitted to the CRD system. The 1,447 customer dispute information disclosures reflect five percent of the total number of customer dispute information disclosures submitted to the CRD system during the sample period (approximately 31,900). The remaining 3,270 customer dispute information disclosures were submitted to the CRD system prior to the sample period. The number of customer dispute information disclosures expunged during the sample period that were submitted to the CRD system prior to 2016 suggests that associated persons may yet still expunge customer dispute information disclosures submitted to the CRD system during the sample period. The five percent of expunged customer dispute information disclosures should therefore be considered a lower bound for the share of customer dispute information disclosures submitted during the sample period that may ultimately be expunged.

An associated person may seek a court order directing expungement of customer dispute information without first seeking expungement through arbitration (“direct-to-court

expungement cases”). During the sample period, associated persons sought expungement of 194 customer dispute information disclosures in direct-to-court expungement cases, or less than 2 percent of the customer dispute information disclosures that were sought to be expunged in the DRS arbitration forum. As of December 2021, court proceedings had concluded for 173 of those disclosures and proceedings remained ongoing for 21 disclosures. One hundred seven of the 173 disclosures (62 percent) were ordered expunged by a court and 66 disclosures (38 percent) were not ordered to be expunged.

3. Economic Impact

A. Overview

The proposed rule change would codify the best practices described in the Guidance.²²⁵ Codifying the best practices in the Guidance should clarify among parties how the practices should be applied, including what is permitted during the expungement hearing and the responsibilities of the parties and the panel when expungement is requested.²²⁶ In addition, parties may incur fewer costs from the codification of the practices, including the costs from actions or decisions (*e.g.*, requesting expungement of customer dispute information that was previously denied in another arbitration or court) that would be denied by an arbitration panel pursuant to the Guidance. Based on FINRA staff observations, arbitrators are generally believed to be adhering to these best practices and, therefore, codifying them should not result in new material economic impacts. To the extent that some arbitrators currently do not adhere to these best practices, codifying them should increase the consistency of the forum and may impact associated persons, customers, and member firms.

The proposed rule change would also introduce other changes to the Codes that expand upon or that are not a part of the Guidance. The proposed rule change would restrict when an associated person is permitted to request expungement in the DRS arbitration forum. In general, the proposed rule change would also require a panel from a customer arbitration who decides the underlying customer dispute or a panel from the Special Arbitrator Roster to decide an

²²⁵ See Guidance, *supra* note 5.

²²⁶ Codifying the Guidance may also help inform customers more generally of the practices that the forum has implemented to encourage and facilitate customer attendance and participation in expungement hearings.

²²⁴ See *supra* note 25 and accompanying text.

expungement request. Three-person arbitration panels would also be required to unanimously agree to issuing an award containing expungement relief. Finally, the proposed rule change would address the participation by associated persons, customers, and state securities regulators in expungement hearings. These changes may result in new material economic benefits and costs to associated persons, customers, and member firms. FINRA discusses these impacts below and quantifies them when doing so is feasible and informative.

B. Expungement Requests During Customer Arbitrations

The proposed rule change would set forth requirements for expungement requests made during customer arbitrations. The proposed rule change would establish different requirements for non-simplified customer arbitrations and simplified customer arbitrations, and for associated persons named or unnamed to a (non-simplified or simplified) customer arbitration.

i. Expungement Requests by Named Associated Persons During Non-Simplified Customer Arbitrations

The proposed rule change would require an associated person named in a non-simplified customer arbitration to request expungement during the customer arbitration of the customer dispute information in the CRD system that is associated with the customer's statement of claim.²²⁷ During the sample period, associated persons named in a non-simplified customer arbitration sought to expunge 1,622 of the 4,346 disclosures that associated persons sought to expunge in a customer arbitration that closed. Otherwise, the associated person would forfeit the opportunity to seek expungement of the same customer dispute information in any subsequent proceeding. The panel from a non-simplified customer arbitration would decide the request if the arbitration closes by award after a hearing.²²⁸

The proposed rule change would help ensure that, if possible, the panel that decides a non-simplified customer arbitration, with input from all parties and access to all evidence, testimony and documents, would also decide an expungement request relating to the same underlying dispute. These arbitrators or panels would be best situated to decide the related issue of expungement, and thereby help ensure

that expungement awards and the customer dispute information contained in the CRD system reflect the conduct of associated persons.

The proposed rule change would impose time limits on when an expungement request can be filed during a non-simplified customer arbitration.²²⁹ The proposed time limits may increase the ability of customers to address the expungement request during the customer arbitration. The proposed time limits, however, may cause a named associated person to lose the ability to assess the additional information that arises during a customer arbitration within sixty days of the hearing on the merits. In this case, the associated person must either incur the costs of filing a request for expungement based on potentially more limited information about whether the request will be successful or lose their ability to seek expungement in the DRS arbitration forum. Consequently, associated persons may incur costs to preserve their ability to request expungement in the DRS arbitration forum.²³⁰

ii. Expungement Requests During a Non-Simplified Customer Arbitration That Closes Other Than by Award or by Award Without a Hearing

As described above, during the sample period, associated persons named in a non-simplified customer arbitration sought to expunge 1,622 of the 4,346 disclosures that associated persons sought to expunge in a customer arbitration that closed. The 1,622 disclosures include 1,285 disclosures that were sought to be expunged in a non-simplified customer arbitration that closed other than by award or by award without a hearing. Associated persons who request expungement during a non-simplified customer arbitration (either as a named party or as an unnamed party that consents to an on-behalf-of request) that closes other than by award or by award without a hearing (and would not have their expungement request decided as part of the customer arbitration) would incur additional costs to file and resolve a straight-in request (*e.g.*, legal fees).²³¹

²²⁹ See proposed Rule 12805(a)(1)(C)(i).

²³⁰ Under the proposed rule change, a party that does not file an expungement request at least 60 days before the first scheduled hearing begins could file a motion seeking an extension. See *supra* note 229. The motion, however, may be opposed by another party and denied by the panel.

²³¹ Associated persons who would otherwise request expungement as a counterclaim during an industry arbitration, which is rare, would instead be required to file a straight-in request under proposed Rule 13805. These associated persons and member

Associated persons would also incur a delay in receiving a decision on the request. The member firm with which the associated person was associated at the time the customer dispute arose would also incur the legal and forum fees corresponding to the straight-in request.²³²

The costs to file and resolve a straight-in request following the conclusion of the customer arbitration would be imposed by the proposed rule change if the requests would have otherwise been decided as part of the non-simplified customer arbitration. The costs would not be imposed by the proposed rule change, however, if associated persons would have filed a straight-in request after the close of the non-simplified customer arbitration regardless of the proposed restrictions.

The additional costs for an associated person to file and resolve a straight-in request after the close of a non-simplified customer arbitration (that closes other than by award or by award without a hearing) may reduce the likelihood that parties settle a customer arbitration or the amount for which parties settle. For example, associated persons may factor the cost to resolve a separate straight-in request into the decision to settle or arbitrate. In addition, even if the parties settle the dispute, associated persons may consider the cost to file and resolve a separate straight-in request when determining the amount at which they are willing to settle. The customers to an arbitration which does not settle may incur additional costs to instead arbitrate the claim.²³³

firms with which the associated persons were associated would incur similar costs.

²³² Associated persons would not incur an additional filing fee to file the straight-in expungement request. See *supra* note 95. Consistent with the fees associated with non-monetary claims, the parties to a straight-in request would incur the minimum hearing session fee of \$1,150 for each session the panel conducts to decide the expungement request. The member firm at which the individuals were associated at the time the customer dispute arose would also be assessed a minimum surcharge fee of \$2,000 and a minimum process fee of \$3,850. See FINRA Rules 13901, 13902, and 13903 for the fee amounts related to non-monetary claims in the DRS arbitration forum.

²³³ FINRA notes, however, that the determination regarding whether to settle a customer arbitration can depend on a number of factors, including the parties' respective estimates of the additional costs they would incur to continue the customer arbitration, the value that the associated person places on expungement, the associated person's estimate of the likelihood that the associated person could obtain expungement in the customer arbitration compared to in a straight-in request, and the estimated cost to pursue the straight-in request. Other proposed amendments may similarly factor into the decision to settle, such as the potential for customer or state securities regulator attendance and participation in expungement hearings in straight-in requests.

²²⁷ See proposed Rule 12805(a)(1)(A).

²²⁸ See proposed Rule 12805(a)(1)(D)(i).

iii. Expungement Requests by Unnamed Persons in Non-Simplified Customer Arbitrations and by Named and Unnamed Persons in Simplified Customer Arbitrations

The proposed rule change would not require an unnamed person in a non-simplified customer arbitration, an associated person named in a simplified customer arbitration, or an unnamed person in a simplified customer arbitration to request expungement of the customer dispute information during the arbitration.²³⁴ Instead, like today, these associated persons may wait until after the conclusion of the arbitration to request expungement as a straight-in request.²³⁵ During the sample period, unnamed persons in non-simplified customer arbitrations, associated persons named in simplified customer arbitrations, and unnamed persons in simplified customer arbitrations sought to expunge 2,724 of the 4,346 disclosures that associated persons sought to expunge in a customer arbitration that closed.

The option to wait until after the customer arbitration has concluded to request expungement is not a new benefit created by the proposed rule change, but is instead currently permitted under the Codes. FINRA believes that an unnamed person in a non-simplified customer arbitration, an associated person named to a simplified customer arbitration, or an unnamed person in a simplified customer arbitration should have the option to seek expungement as a straight-in request and have their request decided by a panel from the Special Arbitrator Roster.

Associated persons (or parties on behalf of unnamed persons) who are not required and choose not to request expungement during a customer arbitration may incur additional costs to file and resolve a straight-in request. The member firms with which the associated persons were associated at the time the customer dispute arose would also incur additional costs. Any incremental costs from not filing an expungement request during a customer arbitration, however, are not imposed by the proposed rule change. Instead, they

²³⁴ See proposed Rules 12805(a)(2)(A), 12800(d)(1)(A), and 12800(d)(2)(A). Unnamed persons would also be prohibited from intervening in a non-simplified or simplified customer arbitration and requesting expungement. See proposed Rules 12805(a)(2)(E)(iii)(a) and 12800(d)(2)(D).

²³⁵ The requirement to wait until after the close of the customer arbitration would help ensure that the panel from the Special Arbitrator Roster is aware of the outcome of the customer arbitration when deciding the request.

are borne at the discretion of the parties who make the determination of when to request expungement, and are similar to the costs they incur under the Codes today.

The proposed time limits to request expungement during a customer arbitration may impose costs on associated persons (or parties on behalf of unnamed persons) who are not required but choose to request expungement.²³⁶ Associated persons who are not able to have their expungement request decided during a customer arbitration (*e.g.*, because the case settles) and instead file a straight-in request as a result of the proposed time limits would incur a delay in receiving a decision on the expungement request. Similar to today, associated persons would incur the legal and forum fees associated with the request, and the member firms with which the associated persons were associated at the time the customer dispute arose would also incur legal and forum fees associated with the straight-in request.

C. Time Limits for Filing Straight-In Requests

For customer dispute information reported to the CRD system after the effective date of the proposed rule change, the proposed rule change would require an associated person to file a straight-in request within two years of a customer arbitration or civil litigation closing, or, if there is no customer arbitration or civil litigation, within three years from the initial reporting of the customer complaint to the CRD system.²³⁷

The proposed time limits may better facilitate customer attendance and participation in the proceedings and the likelihood that the panel from the

²³⁶ Under the proposed rule change, a party on-behalf-of an unnamed person would be required to request expungement during a non-simplified arbitration no later than 60 days before the first scheduled hearing, and a named associated person or a party on-behalf-of an unnamed person would be required to request expungement during a simplified arbitration within 30 days of the date that FINRA provides notice of arbitrator appointment. See proposed Rules 12805(a)(2)(C)(iii) and 12800(d)(1)(B)(i).

²³⁷ See proposed Rules 13805(a)(2)(A)(iv) and 13805(a)(2)(A)(v). The proposed rule change would also impose a two-year time limit for requests to expunge customer dispute information that arose from a customer arbitration or civil litigation that closed on or prior to the effective date of the proposed rule change, or, if no customer arbitration or civil litigation, a three-year time limit to request expungement of customer dispute information arising from a customer complaint initially reported to the CRD system on or prior to the effective date of the proposed rule change. See proposed Rules 13805(a)(2)(B)(i) and 13805(a)(2)(B)(ii). These time limits would run from the effective date of the proposed rule change.

Special Arbitrator Roster receives testimony and other evidence relevant to deciding an expungement request. In addition, the time limits would help ensure that the expungement hearing is held close in time to the customer arbitration or civil litigation, or the events that led to the customer dispute information disclosure, and foreclose the option of an associated person to choose the timing of a straight-in request to potentially reduce the likelihood of customer attendance and participation. Similar to the other amendments proposed herein, an increase in customer attendance and participation may provide a panel from the Special Arbitrator Roster with additional information to decide an expungement request and help ensure the accuracy of the customer dispute information contained in the CRD system and displayed through BrokerCheck.

The proposed time limits, however, may constrain an associated person from filing a straight-in request. Associated persons who would otherwise delay the filing of a straight-in request may incur additional costs to file a straight-in request within the required time limits. Similar to the costs which may result from the proposed time limits to request expungement during a customer arbitration, associated persons who become constrained to file a straight-in request within the proposed time limits may incur indirect costs (as described above).

The proposed time limits to file a straight-in request may also constrain an associated person from seeking expungement of multiple customer dispute information disclosures in the same straight-in request (*i.e.*, in the same arbitration). Associated persons who may become constrained include those waiting for additional customers to make complaints or for a customer arbitration or civil litigation to close. The disclosures associated persons may want to include in the same straight-in request may relate to the provision of similar investment advice or services or market events resulting in multiple customer losses.

Associated persons who become constrained from seeking to expunge multiple customer dispute information disclosures in the same straight-in request because of the proposed time limits and who still seek expungement of all customer dispute information disclosures would be required to file the requests in more than one arbitration. These associated persons would incur additional legal and forum fees for each additional arbitration. The member firm

at which the individual was associated at the time the customer disputes arose would also incur additional legal and forum fees for each additional arbitration. Associated persons who seek to expunge customer dispute information disclosures from a longer time period may be more likely to become constrained and incur these additional costs than associated persons who seek to expunge customer dispute information disclosures from a shorter time period.

Associated persons who are waiting until the close of a customer arbitration or civil litigation to seek to expunge multiple customer dispute information disclosures in the same arbitration may consider the anticipated costs to file an additional straight-in request when offering a settlement amount to customers. Associated persons could offer a higher settlement amount reflective of these anticipated costs, and customers may similarly seek to negotiate a higher settlement amount.²³⁸

Finally, the three-year time limit may increase the likelihood that an associated person seeks expungement of a customer complaint only for the customer then to file a related claim in arbitration. If the associated person were to seek expungement of a customer dispute information disclosure associated with the subsequent customer arbitration, either during the customer arbitration or as a straight-in request, then the associated person would incur the additional costs of the second request. If the associated person seeks expungement as a straight-in request, then the member firm with which the associated person was associated at the time the customer dispute arose would also incur costs associated with the request.

D. Time Limits for Filing Straight-In Requests—Quantitative Description

As discussed as part of the Economic Baseline, 6,476 customer dispute information disclosures were sought to be expunged in straight-in requests during the sample period. The following estimates demonstrate that for the majority of these straight-in requests, the request would not have been permitted under the proposed time limits and associated persons would not have been able to include more than one customer dispute information disclosure in the same straight-in request. The estimates, however, do not account for the potential change in the behavior of associated persons—associated persons

would have incentive under the proposed amendments to file the straight-in requests within the proposed time limits or otherwise lose the ability to file a request in the forum.²³⁹

Among the 6,476 customer dispute information disclosures that associated persons sought to expunge in straight-in requests, 2,135 of the disclosures related to a previous (non-simplified or simplified) customer arbitration (of the same underlying dispute). Six-hundred ten of the disclosures (29 percent) were sought to be expunged in straight-in requests filed within the two-year time limit and would have been permitted under the proposed rule change. The remaining 4,341 of the 6,476 disclosures did not relate to a previous (non-simplified or simplified) customer arbitration (of the same underlying dispute). Seven-hundred ninety-eight of the disclosures (18 percent) were sought to be expunged in straight-in requests within three years from the initial reporting of the disclosure to the CRD system and would have been permitted under the proposed rule change.

As discussed above, the expungement of more than one customer dispute information disclosure can be sought in a single arbitration, and the proposed time limits may limit the ability of an associated person to seek expungement of multiple customer dispute information disclosures in the same straight-in request. The 6,476 customer dispute information disclosures sought to be expunged in straight-in requests were made in 3,177 arbitrations. Associated persons included more than one customer dispute information disclosure in 1,384 of the 3,177 straight-in requests (44 percent). In total, associated persons sought the expungement of 4,683 customer dispute information disclosures (72 percent of the 6,476 customer dispute disclosures) in the 1,384 straight-in requests.

Under the proposed time limits, associated persons would not have been able to include all of the customer dispute information disclosures in at least 614 of the 1,384 straight-in requests (44 percent). In 556 of the 614 straight-in requests (91 percent), the associated person included at least one customer dispute information disclosure that was six years or longer from its respective time limit start date. Also, in 374 of the 614 straight-in requests (61 percent), the associated person would not have been able to include in the

same straight-in request one or more customer dispute information disclosures that related to a customer arbitration.

E. Arbitrators or Panels Deciding Expungement Requests

The proposed rule change would require that the panel from a non-simplified customer arbitration decide expungement requests during the arbitration if the arbitration closes by award after a hearing.²⁴⁰ In addition, the proposed rule change would require the arbitrator from a simplified customer arbitration to decide an expungement request if it is requested—at a full hearing, in a separate expungement-only hearing after the simplified arbitration closes if the arbitration is decided “on the papers,” or in a special proceeding.²⁴¹ The proposed rule change would also require that a randomly selected three-person arbitration panel from the Special Arbitrator Roster decide straight-in requests.²⁴² Finally, the proposed rule change would require that a three-person arbitration panel unanimously agree to issue an award containing expungement relief.²⁴³

The proposed rule change may place a panel in a better position to determine whether to award expungement of customer dispute information, and thereby help ensure the accuracy of the customer dispute information contained in the CRD system. In general, the panel that decides a request would either hear the full merits of the customer arbitration or have additional training and qualifications when they may receive information only from the party requesting expungement. Panels from the Special Arbitrator Roster would also be able to request any evidence that they deem relevant from the associated person and member firm at which the associated person was associated at the time the customer dispute arose.

As discussed above, straight-in requests where customers typically do not attend or participate in the expungement hearing often lack appreciable opposition. A panel from the Special Arbitrator Roster, with three arbitrators to ask questions, request evidence, and serve generally as fact finders in the absence of customer input, may help ensure that a complete factual record is created to support a

²⁴⁰ See proposed Rules 12805(a)(1)(D)(i) and 12805(a)(2)(E)(i).

²⁴¹ See proposed Rules 12800(e)(1)(A) and 12800(e)(1)(B)(ii).

²⁴² See proposed Rule 13806(b)(1).

²⁴³ See proposed Rules 12805(c)(8)(A)(i) and 13805(c)(9)(A)(i).

²³⁸ Other factors may influence the decision of parties to settle or arbitrate the dispute. See *supra* note 233.

²³⁹ The following estimates also do not account for the number of straight-in requests of customer dispute information arising from a previous (non-simplified or simplified) customer arbitration which, under the proposed rule change, would have been decided as part of the customer arbitration.

decision and the decision reflects the merits of the request.

The proposed rule change would also reduce the potential influence of associated persons and member firms on the selection of the panel that decides a straight-in request. First, parties to the straight-in request would not be permitted to strike or rank any arbitrators randomly selected to create a panel from the Special Arbitrator Roster, thereby limiting the ability of an associated person and member firm with which the associated person was associated at the time the customer dispute arose to together select arbitrators who are more likely to award expungement. To the extent that the associated person and the member firm's interests are aligned and both seek to increase the likelihood that an award containing expungement relief is issued, they would together be expected to select arbitrators who may be more likely to award expungement.²⁴⁴

Second, an associated person would not be permitted to withdraw a request and seek expungement of the same customer dispute information in a subsequent arbitration.²⁴⁵ Associated persons may exercise this option if they believe that they have a higher probability of obtaining an expungement award with a different arbitrator or panel in another arbitration, and in particular if the associated person files a straight-in request against the member firm with which the individual was associated at the time the customer dispute arose.

Among the expungement requests during the sample period, FINRA has identified 282 attempts to expunge a previously withdrawn or denied request to expunge.²⁴⁶ Both the initial request

and the subsequent request were made during the sample period. Additional subsequent expungement requests may have been filed during the sample period if the initial expungement request was made prior to the sample period (*i.e.*, before January 2016). These 282 attempts can therefore be considered a lower bound for the number of these requests during the sample period.

Under the proposed rule change, the grounds under which a panel may award expungement would not change.²⁴⁷ The proposed rule change, however, would likely increase the number of expungement requests decided by a three-person panel and would require that the panel decide unanimously whether to issue an award containing expungement relief. FINRA expects that the unanimity requirement would tend to reduce the number of awards containing expungement relief with less or less certain merit.

F. Arbitrators or Panels Deciding Expungement Requests—Quantitative Description

As discussed as part of the Economic Baseline, 10,156 of the 11,619 customer dispute information disclosures sought to be expunged during the sample period were filed in an arbitration that closed. Among the 10,156 disclosures, 9,030 (89 percent) would have required a panel from the Special Arbitrator Roster. The 9,030 disclosures include 5,088 disclosures sought to be expunged during a non-simplified customer arbitration that closed by award without a hearing or other than by award, and 3,942 sought to be expunged in a straight-in request that did not relate to a previous (non-simplified or simplified) customer arbitration.

previous request on behalf of the unnamed person that was denied. Another of the awards containing expungement relief relates to the previous request that was deficient and therefore not decided. Forty-three subsequent expungement requests were withdrawn or deficient and, therefore, not decided. Finally, 52 subsequent expungement requests were still pending as of the end of the sample period. In 115 of the 282 subsequent expungement requests, the associated person was an unnamed party in the first arbitration. A similar measure in the Discussion Paper describes 193 attempts to expunge the same customer dispute information in more than one arbitration. *See supra* note 13. The measure described herein reflects an updated methodology.

²⁴⁷ *See supra* note 31 and accompanying text; *see also* proposed Rules 12805(c)(8)(A)(i) and 13805(c)(9)(A)(i). The proposed rule change would also instruct the panel not to consider the decision of the customer or authorized representative not to attend or participate in an expungement hearing as material to the determination of whether expungement is appropriate. This may help ensure expungement decisions are based on the merits of the request. *See* proposed Rules 12805(c)(8)(C) and 13805(c)(9)(C).

A panel from a (non-simplified or simplified) customer arbitration would have been required to make a decision on the requests to expunge 1,025 of the 10,156 customer dispute information disclosures (10 percent). The 1,025 disclosures include 499 disclosures that were requested to be expunged during a non-simplified customer arbitration that closed by award after a hearing, 400 requested to be expunged during a simplified customer arbitration, and 126 requested to be expunged in a straight-in request to expunge customer dispute information arising from a previous non-simplified customer arbitration that closed by award after a hearing.

Finally, a panel from the Special Arbitrator Roster, or an arbitrator from a simplified customer arbitration, would have been required to make the decision with respect to the remaining 101 disclosures that associated persons sought to expunge in a straight-in request and that related to customer dispute information arising from a previous simplified customer arbitration. The panel that would have decided the request is dependent on whether an associated person, or a party on-behalf-of an associated person, would have requested expungement during the simplified arbitration.

A three-person panel made expungement decisions in 1,051 customer or industry arbitrations. The panel decision was unanimous in 1,030 of the 1,051 arbitrations (98 percent), but not unanimous in 21 arbitrations (2 percent). In 11 of the 21 arbitrations, or one percent of the 1,051 arbitrations, one of the three arbitrators opposed an expungement decision awarding expungement. These 11 awards would not have been permitted under the proposed rule change. Since unanimous agreement is not currently required, however, current data on unanimous agreement may not reflect the extent to which unanimity would occur once it is required. The extent to which decisions may differ under the proposed rule change is therefore not known.

G. Attendance and Participation in Expungement Hearings

As discussed above, the proposed rule change may facilitate customer attendance and participation by restricting when a named associated person, or a party on-behalf-of an unnamed person, may request expungement. Other proposed amendments may facilitate the attendance and participation of customers or authorized representatives of states securities regulators in expungement hearings. Attendance and participation by customers or

²⁴⁴ Honigsberg and Jacob also find evidence that suggests parties can use previous expungement decisions to determine the potential likelihood that an arbitrator will award expungement. *See supra* note 223.

²⁴⁵ *See* proposed Rules 12805(a)(2)(A), Rules 12805(a)(1)(D)(i) and 12805(a)(2)(E)(i). The inability to withdraw a request also includes the requirement that a case be closed with prejudice if an associated person withdraws a straight-in request after a panel from the Special Arbitrator Roster is appointed. *See* proposed Rule 13805(a)(4). In the sample period, an associated person withdrew 292 of the 5,810 straight-in requests (five percent) filed in cases that closed. The 292 straight-in requests include 240 requests where a panel was appointed.

²⁴⁶ The 282 subsequent requests include 261 previous requests that were withdrawn or otherwise not pursued by the associated person or party that filed the request, 17 previous requests by a named person that were denied, one previous request on behalf of an unnamed person that was denied, and three previous requests determined by the panel to be ineligible for arbitration. A panel issued an award containing expungement relief in 167 of the 282 subsequent expungement requests (59 percent) and denied 20 requests (seven percent). One of the awards containing expungement relief relates to the

authorized representatives may increase the likelihood that a panel reviews a more complete factual record when deciding a request, and ultimately help ensure the accuracy of the customer dispute information contained in the CRD system.

The proposed rule change would provide customers the option to attend and participate in an expungement hearing using whichever method is convenient for them (*i.e.*, by telephone, by video conference or in person).²⁴⁸ The proposed rule change would also codify elements of the Guidance that require associated persons to notify a customer of a straight-in request,²⁴⁹ and for the panel to permit the customer to testify, cross-examine the associated person and other witnesses, present evidence at the hearing and make opening and closing arguments.²⁵⁰

An authorized representative of state securities regulators would similarly be permitted to attend and participate in prehearing conferences and expungement hearings in straight-in requests.²⁵¹ If an authorized representative presents additional information at the expungement hearing, including information that may not otherwise be available, the panel may receive a more complete factual record on which to base their decision.

²⁴⁸ See proposed Rules 12805(c)(3)(B) and 13805(c)(3)(B).

²⁴⁹ See proposed Rule 13805(b)(1)(A)(i) through (iii). The proposed rule change would also require the associated person to file with the panel all documents provided to the customers. This would help ensure that customers have knowledge of the straight-in request, and are not dissuaded from attending or participating in the expungement hearing as a result of the notification from the associated person. See proposed Rule 13805(b)(1)(A)(iv). The Director would also provide the notified customers with access to documents relevant to the expungement request filed in the arbitration, which may help in their preparation for the expungement hearing. See proposed Rule 13805(b)(1)(B)(ii).

²⁵⁰ Other amendments to the proposed rule change would also help encourage customer attendance and participation in simplified customer arbitrations and straight-in requests. For example, the proposed rule change would allow customers to be represented at an expungement hearing and thereby mitigate any potential concern they may have regarding a direct confrontation with the associated person. See proposed Rules 12805(c)(4) and 13805(c)(4). In addition, the proposed rule change provides that the Director would notify the customer of the time and place of any prehearing conferences and the expungement hearing of a straight-in request. See proposed Rule 13805(b)(1)(B)(i).

²⁵¹ See proposed Rule 13805(c)(6). The proposed rule change also provides that FINRA would notify state securities regulators within 15 days of receiving a request for expungement. See proposed Rules 12805(b) and 13805(b)(2). State securities regulators would therefore have the time to review and decide whether to oppose a straight-in request, or review and decide whether to oppose confirmation in court of an award from a customer arbitration containing expungement relief.

The magnitude of these effects would increase with the likelihood the authorized representative attends, participates and presents new evidence, such as when concerns arise regarding the merits of an expungement request.

Customers and authorized representatives of state securities regulators may incur costs to attend and participate in the expungement hearings. These costs, however, would be optional and at their own discretion. Associated persons may factor in the potential for customer and state securities regulator attendance and participation in a straight-in request when deciding whether to settle a non-simplified customer arbitration.²⁵²

The proposed rule change would require an associated person (or the party requesting expungement on behalf of an unnamed person) to appear by video conference or in-person at an expungement hearing.²⁵³ This requirement would help the panel assess the associated person's credibility and allow them to ask questions of an associated person and observe their responses. An associated person would also be permitted to cross-examine and seek information from customers who testify.²⁵⁴ This may provide associated persons with the opportunity to substantiate their arguments in support of their expungement request.

Associated persons may incur costs to appear at an expungement hearing. The costs include the time and expense to appear, and other direct and indirect costs (*e.g.*, opportunity costs) associated with the associated person's appearance. The costs would depend on the method of appearance (*i.e.*, by video conference or in-person), which, under the proposed rule change, would be determined by the panel. Associated persons who appear in-person would incur the time and expense to travel to and from the hearing location. Associated persons who live further away from the hearing location, or are less able to travel, would incur greater costs to appear in-person. Associated persons who instead appear by video conference would not incur travel costs. These associated persons, however, may perceive that they are less able to provide effective testimony. These perceived costs may be mitigated by the ability of parties to file a motion seeking to appear in-person.

²⁵² See *supra* Item II.A.1.II.F., "Attendance and Participation of an Authorized Representative of State Securities Regulators in Straight-in Requests," and accompanying text.

²⁵³ See proposed Rules 12805(c)(2) and 13805(c)(2).

²⁵⁴ See proposed Rules 12805(c)(5)(B) and 13805(c)(5)(B).

H. Impact on Business and Professional Opportunities

As a result of the proposed rule change, associated persons may determine that the additional costs to seek expungement relief are higher than the anticipated benefits. In addition, although the proposed rule change is intended to help ensure arbitrators award expungement when appropriate as it relates to the merits of the request, the likelihood that an associated person receives an award containing expungement relief may decrease because of the likely increase in the number of three-person panels deciding expungement requests and the requirement that such decisions be unanimous. This may lead associated persons not to seek expungement, including in some instances when expungement is likely to be awarded.

Associated persons who are not able to seek expungement of customer dispute information from the CRD system, or are delayed in doing so, may experience a loss of business and professional opportunities. The loss of business and professional opportunities by one associated person, however, may be the gain of another. Associated persons who may benefit in this regard include those who still determine that the additional costs to seek expungement relief under the proposed rule change is less than the anticipated benefits and continue to seek expungement of customer dispute information, and other associated persons who do not have similar disclosures.

An associated person may seek expungement of customer dispute information in a direct-to-court expungement case. The proposed rule change may result in associated persons seeking expungement in more direct-to-court expungement cases. For some associated persons, the anticipated costs to first go through arbitration under the proposed rule change may be greater than the similar costs to seek expungement in a direct-to-court expungement case. Associated persons who would otherwise first go through arbitration because of the proposed rule change may incur additional costs relative to today to seek expungement relief.

The number of associated persons who would instead seek expungement in a direct-to-court expungement case is dependent not only on the additional costs under the proposed rule change, but the costs an associated person would expect to incur in court to initiate an expungement proceeding. This information is generally not

publicly available, and accordingly the potential effect of the proposed rule change on direct-to-court expungement cases is not measured and is uncertain.

I. Other Economic Effects

Finally, the proposed rule change may have other marginal economic effects. First, the prohibition of a subsequent expungement request would decrease the potential inefficient allocation of resources resulting from a subsequent request that would have resulted in the same decision (*i.e.*, denial) as the first. The resources of the forum allocated to the additional expungement request could instead be used for other claims or requests that were not previously adjudicated or for other purposes.²⁵⁵

Second, the proposed rule change may increase the efficiency of the forum by requiring that a party provide certain information when filing an expungement request. The information includes identification of the customer dispute information that is the subject of the request, and whether expungement of the same customer dispute information was previously requested and, if so, how it was decided. This would increase the efficiency of the forum by enabling FINRA to identify and track a request through the expungement process, and by alerting arbitrators and FINRA to another expungement request of the same customer dispute information. The efficiency of the forum would also increase by requiring an unnamed person to consent to an on-behalf-of expungement request in writing. This would help ensure that an unnamed person is aware of the request and prevent another expungement request by the unnamed person of the same customer dispute information.

In addition, the proposed rule change may affect the value of the customer dispute information to describe the conduct of associated persons. The change in the value of the information depends on the merit of the disclosures that would have otherwise been expunged. The merit of these disclosures also depends on many factors which are difficult to predict. These factors include the incentive of parties to file an expungement request under the proposed rule change, the decisions by the panel to issue an award containing expungement relief dependent on the information that becomes available, and the merit of the customer dispute information that would have otherwise been sought to be

expunged. The effect of the proposed rule change on the extent to which the customer dispute information available in the CRD system accurately describes the conduct of associated persons is, therefore, uncertain.

4. Alternatives Considered

Alternatives to the proposed rule change include amendments that were proposed in *Regulatory Notice* 17–42 and the 2020 Rule Filing.²⁵⁶ For example, an alternative to the proposed rule change, which was proposed in the 2020 Rule Filing, could be to limit when a party can file an expungement request during a non-simplified customer arbitration to 30 days before the first scheduled hearing session. Thirty days may reduce the likelihood that an associated person files an expungement request based on more limited information about whether the request would be successful. Thirty days, however, may not provide associated persons adequate time to address any filing deficiencies before the request is served on the other parties. In addition, customers would have less time to consider the request before the first scheduled hearing session.

Another alternative to the proposed rule change could be to include different time limits for an associated person to file a straight-in request. In the *Notice*, FINRA proposed a one-year time limit for associated persons to file a straight-in request after the close of a customer arbitration or, if no arbitration or civil litigation, after the initial reporting of the customer complaint to the CRD system.²⁵⁷ In the 2020 Rule Filing, FINRA proposed a two-year time limit for associated persons to file a straight-in request after the close of a customer case, or, if no arbitration or civil litigation, a six-year time limit for associated persons to file a straight-in request after the initial reporting of the customer complaint.²⁵⁸

In general, shorter (longer) time limits may further facilitate (impede) customer attendance and participation in the proceedings and the likelihood that the panel from the Special Arbitrator Roster receives evidence and testimony from the customer to consider when deciding an expungement request. Shorter (longer) time limits, however, may further (less) constrain an associated person from filing a straight-in request or including more than one expungement request in the same straight-in request.

For example, the percentage of associated persons who would not have been able to include all customer dispute information disclosures in the same straight-in request would be lower if the proposed rule change imposed a six-year rather than three-year time limit on requesting expungement of customer complaints.²⁵⁹ As discussed above, FINRA believes that the proposed time limits would facilitate customer attendance and participation while providing associated persons sufficient opportunity to file a straight-in request.

Other alternatives relate to the panel's decision to issue an award containing expungement relief. In the 2020 Rule Filing, FINRA proposed allowing a majority decision by a three-person panel, not a unanimous decision (as proposed herein), to issue an award containing expungement relief.²⁶⁰ A majority decision would be consistent with what is required for other three-person panel decisions in customer and industry arbitrations. FINRA determined, however, that a unanimous decision by a three-person panel would better help protect the integrity of the information in the CRD system.

In the *Notice*, FINRA proposed that a panel find that the customer dispute information has “no investor protection or regulatory value” in order to issue an award containing expungement relief.²⁶¹ This alternative may increase the difficulty for an associated person to receive an expungement award, and may cause associated persons not to seek expungement where expungement is likely (or unlikely) to be awarded. In addition, some commenters to the *Notice* raised concerns that the standard

²⁵⁹ Under these alternative time limits, associated persons would not have been able to include all expungement requests in at least 426 of the 1,384 arbitrations (31 percent). This estimate is 13 percent less than the similar calculation but with the time limits proposed herein (44 percent). See *supra* Item II.B.3.D., “Time Limits for Filing Straight-in Requests—Quantitative Description.” As mentioned above, these estimates do not account for the potential change in the behavior of associated persons as a result of the proposed rule change. The estimates also do not account for the number of straight-in requests of customer dispute information arising from a previous customer arbitration which, under the proposed rule change, may have been decided as part of the customer arbitration.

²⁶⁰ See *supra* note 11.

²⁶¹ See *supra* note 9. In its Order approving NASD Rule 2130 (now FINRA Rule 2080), which describes the current findings that arbitrators must make to issue an award containing expungement relief, the SEC stated that “it believes the proposal strikes the appropriate balance between permitting members and associated persons to remove information from the CRD system that holds no regulatory value, while at the same time preserving information on the CRD system that is valuable to investors and regulators.” See Securities Exchange Act Release No. 48933 (December 16, 2003) 68 FR 74667, 74672 (December 24, 2003) (Order Approving File No. SR-NASD-2002-168).

²⁵⁵ The resources relate to the specific costs to administer the claim, as well as the overall attendant costs to administer the forum.

²⁵⁶ See *supra* notes 9 and 11.

²⁵⁷ See *supra* note 9.

²⁵⁸ See *supra* note 11.

may, if codified, create confusion among arbitrators and the potential for inconsistent application among different arbitrators and panels. After considering the concerns, FINRA determined not to propose that the panel must find “no investor protection or regulatory value” to issue an award containing expungement relief.

Finally, other alternatives relate to the appearance of parties at expungement hearings. The proposed rule change could have allowed an associated person to appear at an expungement hearing by telephone, as an alternative to appearance in person or by video conference. Although associated persons may incur fewer costs to appear by telephone, FINRA believes appearance by telephone may reduce the ability of arbitrators to assess the credibility of associated persons when deciding an expungement request.

The proposed rule change could have provided a mechanism for an authorized representative of state securities regulators to attend and participate in expungement hearings when expungement is requested during a customer arbitration (simplified or non-simplified). FINRA determined not to propose allowing an authorized representative to attend or participate in a customer arbitration in which expungement is requested because such attendance and participation could delay or disrupt the customer’s case and would be less impactful. Unlike many straight-in requests, customer cases are opposed and the panel would have the benefit of hearing the customer’s evidence on the merits.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In December 2017, FINRA published *Regulatory Notice 17–42*, requesting comment on proposed amendments to the current expungement process.²⁶² FINRA received 70 comments in response to the *Notice*. FINRA responded to these comments in the 2020 Rule Filing, which it filed with the Commission on September 22, 2020.²⁶³

The 2020 Rule Filing proposed several significant enhancements to the current expungement process, including:

- establishing time limits within which associated persons may file straight-in requests;

- providing state securities regulators with notification of expungement requests at the time of filing of the requests;

- requiring that all straight-in requests be decided by a three-person panel, randomly selected from a roster of experienced public arbitrators with enhanced expungement training;

- prohibiting parties to straight-in requests from (1) agreeing to fewer than three arbitrators to review their expungement requests, (2) striking any of the selected arbitrators, (3) stipulating to an arbitrator’s removal or (4) stipulating to the use of pre-selected arbitrators;

- requiring an associated person named in a customer arbitration to request expungement during the customer arbitration;

- preventing an associated person from getting “two bites at the apple” by conditioning and limiting the ability of a party to a customer arbitration to file an on-behalf-of request and precluding an associated person from requesting expungement of customer dispute information if a panel or a court previously denied a request to expunge the same customer dispute information;

- prohibiting an associated person who withdraws an expungement request from refiling the same request at a later date;

- facilitating customer attendance and participation in straight-in requests by notifying customers of the time, date and place of any prehearing conferences and the expungement hearing, and making clear that customers are entitled to appear with representation at prehearing conferences and the expungement hearing;

- providing customers who seek to attend and participate in straight-in requests with access to all relevant documents filed in the arbitration;

- specifically authorizing the panel to request any documentary, testimonial or other evidence that it deems relevant from the broker-dealer firm or associated person seeking expungement;

- requiring that the associated person requesting expungement appear personally at the expungement hearing; and

- requiring that the panel deciding the expungement request provide enough detail in the award to explain its rationale for including expungement relief in the award.

The Commission ultimately received 19 comments from 13 commenters in connection with the 2020 Rule Filing. The SEC received eight comment letters in response to the initial 2020 Rule

Filing.²⁶⁴ On December 18, 2020, FINRA responded to the comments and filed Partial Amendment No. 1.²⁶⁵ On December 28, 2020, the SEC published a notice and order in the **Federal Register** to solicit comments on the 2020 Rule Filing and to institute proceedings to determine whether to approve or disapprove the proposed rule change as modified by Partial Amendment No. 1.²⁶⁶ The SEC received nine comment letters in response to the Order.²⁶⁷ On April 9, 2021 FINRA filed

²⁶⁴ Letter from Steven B. Caruso, Maddox Hargett & Caruso, P.C., to Vanessa Countryman, Secretary, SEC, dated September 28, 2020; letter from Benjamin P. Edwards, Associate Professor of Law, University of Nevada, Las Vegas, William S. Boyd School of Law, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated October 12, 2020 (“Edwards 1”); letter from Dochter D. Kennedy, President & Founder, AdvisorLaw, LLC, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated October 22, 2020 (“AdvisorLaw”); letter from Lisa Hopkins, President, NASAA, to Vanessa Countryman, Secretary, SEC, dated October 22, 2020 (“NASAA 1”); letter from Amanda Skrelja, Paige Guarino, William Lapadula, and Zachary Dukoff, Legal Interns & Elissa Germaine, Supervising Attorney, John Jay Legal Services, Inc., Elizabeth Haub School of Law, PACE University, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated October 22, 2020; letter from Kevin M. Carroll, Managing Director and Associate General Counsel, SIFMA, to Vanessa A. Countryman, Secretary, SEC, dated October 22, 2020; letter from Ruben Huertero, Legal Intern & Christine Lazaro, Director of the Securities Arbitration Clinic and Professor of Clinical Legal Education, St. John’s University School of Law, to Vanessa Countryman, Secretary, SEC, dated October 22, 2020; and letter from David P. Meyer, President, Public Investors Advocate Bar Association, to Brent J. Fields, Secretary, SEC, dated October 23, 2020 (“PIABA 1”). The comment letters are available at <https://www.sec.gov/comments/sr-finra-2020-030/srfinra2020030.htm>.

²⁶⁵ Letter from Mignon McLemore, Assistant General Counsel, FINRA to Vanessa Countryman, Secretary, SEC, dated December 18, 2020, <https://www.sec.gov/comments/sr-finra-2020-030/srfinra2020030-8163215-226938.pdf>.

²⁶⁶ See Securities Exchange Act Release No. 90734 (December 18, 2020), 85 FR 84396 (December 28, 2020) (Order Instituting Proceedings to Determine Whether to Approve or Disapprove File No. SR–FINRA–2020–030) (“Order”).

²⁶⁷ Letter from Julius Z. Frager, to SEC, dated January 7, 2021; letter from Professor Lisa Miller, CEO, Lex Law Corporation, to Vanessa Countryman, Secretary, SEC, dated January 7, 2021; letter from Lisa Hopkins, President, NASAA, to Vanessa Countryman, Secretary, SEC, dated January 18, 2021 (“NASAA 2”); letter from Benjamin P. Edwards, Associate Professor of Law, University of Nevada, Las Vegas, William S. Boyd School of Law, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated January 19, 2021; letter from Jason R. Doss, President & Celiza Brangança, Vice-President, the PIABA Foundation, Inc., to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated January 19, 2021 (“PIABA Foundation”) (PIABA Foundation is a separate entity from PIABA); letter from Kevin M. Carroll, Managing Director and Associate General Counsel, SIFMA, to Vanessa A. Countryman, Secretary, SEC, dated January 19, 2021; letter from Lisa Hopkins, President, NASAA, to Vanessa Countryman, Secretary, SEC, dated January 28, 2021; letter from Barbara Roper, Director of Investor Protection, Consumer Federation of America, to Vanessa A. Countryman,

²⁶² See *supra* note 9.

²⁶³ See Securities Exchange Act Release No. 90000 (September 25, 2020), 85 FR 62142 (October 1, 2020) (Notice of Filing of File No. SR–FINRA–2020–030).

its response to the comments on the Order and Partial Amendment No. 2.²⁶⁸ On May 18, 2021, FINRA filed a third response to comments.²⁶⁹

In general, the commenters on the 2020 Rule Filing suggested that the proposed changes to the expungement process would be beneficial. However, most of the commenters recommended alternative approaches or modifications to further protect the information in the CRD system and address the fact that many straight-in requests are unopposed. The commenters' recommendations generally focused on replacing the current expungement process with an administrative process; allowing state securities regulators to participate in expungement hearings in the DRS arbitration forum; embedding an independent advocate into the expungement process in the DRS arbitration forum; requiring that associated persons meet a higher standard to obtain an expungement award; requiring a unanimous decision of the arbitrators to award expungement; providing financial incentives to encourage customer participation in expungement proceedings; shortening the time limits within which associated persons may request expungement; and requiring that the associated person appear at the expungement hearing in person. Some commenters, in contrast, suggested that the proposed time limits were arbitrarily short; that the arbitrators should be required to provide an explanation when denying expungement; or that the arbitrators should not be limited to awarding expungement on the grounds set forth in FINRA Rule 2080(b)(1).

On May 28, 2021, following discussions with SEC staff, FINRA withdrew the 2020 Rule Filing and Partial Amendments Nos. 1 and 2 in order to consider whether modifications

Secretary, SEC, dated February 1, 2021; and letter from David P. Meyer, President, PIABA, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated February 2, 2021 ("PIABA 2"). The comment letters are available at <https://www.sec.gov/comments/sr-finra-2020-030/srfinra2020030.htm>.

²⁶⁸ Letter from Mignon McLemore, Associate General Counsel, FINRA to Vanessa Countryman, Secretary, SEC, dated April 9, 2021, <https://www.sec.gov/comments/sr-finra-2020-030/srfinra2020030-8658196-235191.pdf>.

²⁶⁹ Letter from Mignon McLemore, Associate General Counsel, FINRA to Vanessa Countryman, Secretary, SEC, dated May 18, 2021 ("Response"), <https://www.sec.gov/comments/sr-finra-2020-030/srfinra2020030-8811356-238001.pdf>. Following the Response and prior to the deadline for Commission action on the 2020 Rule Filing, the SEC received one additional comment letter. See letter from David P. Meyer, President, PIABA, Jason R. Doss, President, PIABA Foundation & Lisa Branganca, Vice-President, PIABA Foundation, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated May 19, 2021 ("PIABA 3").

to the proposal would be appropriate in response to concerns raised by the commenters and SEC staff.²⁷⁰

While the proposed rule change retains many of the significant enhancements proposed in the 2020 Rule Filing, the proposed rule change makes several key additional changes that would materially mitigate a number of the concerns with the current expungement process identified above and by commenters on the 2020 Rule Filing. These additional enhancements include: (1) providing a mechanism for state securities regulators to attend and participate in expungement hearings in straight-in requests;²⁷¹ (2) requiring that arbitrators unanimously agree to issue an award containing expungement relief based on one or more grounds specified in the rule;²⁷² (3) shortening the time period for requesting expungement of a customer complaint from six years to

²⁷⁰ Withdrawal of Proposed Rule Change (May 28, 2021), <https://www.finra.org/sites/default/files/2021-05/SR-FINRA-2020-030-Withdrawal.pdf>. Following FINRA's withdrawal of the 2020 Rule Filing, the SEC received two additional comment letters. See letter from Kevin M. Carroll, Managing Director and Associate General Counsel, SIFMA, to Vanessa A. Countryman, Secretary, SEC, dated May 6, 2022 and letter from Anonymous, to J. Matthew DeLesDernier, Assistant Secretary, SEC, dated July 19, 2021.

²⁷¹ In the 2020 Rule Filing, FINRA did not provide a mechanism for state securities regulators to attend and participate in expungement hearings. NASAA 1 stated that the 2020 Rule Filing "fail[ed] to provide a pathway to contest the expungement relief during the arbitration should a state determine it is appropriate to do so." NASAA 2 also stated that notification would "allow NASAA members additional time to evaluate the request and determine the appropriate regulatory response, including but not limited to investigations, enforcement actions, or intervention in subsequent court proceedings seeking to confirm an award." In addition, PIABA 2 and the PIABA Foundation stated that the 2020 Rule Filing "should provide state securities regulators with notice of the expungement request at the time that the petition for expungement is filed and give them a meaningful opportunity to participate in the arbitration proceeding—either by permitting them to intervene in the arbitrations directly or permitting them to participate indirectly through" an independent advocate. See also PIABA 3 (stating that "state securities regulators and customers [should] have a meaningful opportunity to participate in these expungement proceedings directly or through an advocate so that, when appropriate, evidence opposing expungement can be presented to arbitrators.").

²⁷² Consistent with arbitration cases generally, the 2020 Rule Filing would have required a majority decision of the arbitrators to award expungement. See FINRA Rules 12904(a) and 13904(a). PIABA 1 and NASAA 1 suggested that a majority decision was inconsistent with expungement being an extraordinary remedy, that it undercut the goal of helping to preserve valuable information in the CRD system, and that a divided panel decision would indicate that there is doubt that the associated person has met this high burden. Similarly, Edwards 1 stated that allowing majority decisions "insufficiently protects the public's vital interest in information" and "fails to communicate that expungement should only be recommended in truly extraordinary cases."

three years after the date a customer complaint is initially reported in the CRD system;²⁷³ and (4) requiring an associated person who is seeking expungement to appear at the expungement hearing in person or by video conference to further enhance the ability of the arbitrator or panel to assess the credibility of the associated person.²⁷⁴ Each of the proposed changes is discussed in detail above under Item II.A.1.II.

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 (i) as the Commission may designate up to 90 days of such date 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 change is consistent with the Act. Comments may be submitted by any of the following methods:

²⁷³ In the 2020 Rule Filing, FINRA proposed time limits to request expungement in straight-in requests: (1) within two years of the close of a customer arbitration or civil litigation that gave rise to the customer dispute information and (2) within six years of the date a customer complaint was initially reported in the CRD system. PIABA 1 and NASAA 1 supported a shorter one-year time limit for all expungement requests. PIABA 1 stated that the longer time provided in the 2020 Rule Filing would "degrade the quality of evidence for a panel to consider in making an expungement determination and decrease the likelihood that the customer will participate in the hearing." PIABA 1 also stated that firms do not "need six years to complete investigations of customer complaints and close them in the CRD system (emphasis in original)." *Contra* AdvisorLaw (stating that the proposed limitations in the 2020 Rule Filing were "arbitrary" and that "the accuracy of the information contained within the CRD system has no relationship to the age of that information").

²⁷⁴ The 2020 Rule Filing would have allowed the arbitrators to determine whether the associated person would appear at the expungement hearing by telephone, in person or by video conference. NASAA 1 commented that the associated person should appear in person and that they should not be able to appear "by telephone or, as a matter of course, videoconference."

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-2022-024 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-2022-024. 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 a.m. and 3 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-2022-024 and should be submitted on or before September 6, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷⁵

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-17430 Filed 8-12-22; 8:45 am]

BILLING CODE 8011-01-P

²⁷⁵ 17 CFR 200.30-3(a)(12).



FEDERAL REGISTER

Vol. 87

Monday,

No. 156

August 15, 2022

Part III

Department of the Interior

Bureau of Land Management

Public Land Order No. 7912; Partial Revocation of Public Land Orders No. 5169, 5170, 5171, 5172, 5173, 5174, 5175, 5176, 5178, 5179, 5180, 5184, 5186, 5188, and 5353, as Amended, Modified, and Corrected, and Opening of Lands for Selection by Alaska Native Vietnam-Era Veterans; Alaska; Notice

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[223.LLAK941000 L1410000.ET0000; F-86061, F-16298, F-16299, AA-65514, F-16301, AA-65515, AA-65516, AA-65513, F-16302, AA-61299, F-16304, F-85667, AA-61005, F-85702, AA-66614]

Public Land Order No. 7912; Partial Revocation of Public Land Orders No. 5169, 5170, 5171, 5172, 5173, 5174, 5175, 5176, 5178, 5179, 5180, 5184, 5186, 5188, and 5353, as Amended, Modified, and Corrected, and Opening of Lands for Selection by Alaska Native Vietnam-Era Veterans; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes 15 Public Land Orders (PLOs) insofar as they affect approximately 27,142,677 acres of public lands reserved for study and classification, as appropriate, by the Department of the Interior. This order opens these lands specifically to allow for allotment selection by eligible Alaska Native Vietnam-era Veterans under the Alaska Native Vietnam-era Veterans Land Allotment Program (Allotment Program) established by the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Dingell Act). This partial revocation and opening was analyzed in the Alaska Native Vietnam-era Veterans Land Allotment Program Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) signed on April 21, 2022.

DATES: This PLO takes effect on August 15, 2022.

FOR FURTHER INFORMATION CONTACT: Chelsea Kreiner, Bureau of Land Management (BLM) Alaska State Office, 222 West Seventh Avenue, Mailstop #13, Anchorage, AK 99513-7504, (907) 271-4205, or ckreiner@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States.

SUPPLEMENTARY INFORMATION: The BLM prepared the Allotment Program EA to consider opening lands subject to Alaska Native Claims Settlement Act (ANCSA) section 17(d)(1) withdrawals within the Kobuk-Seward Peninsula, Ring of Fire, Bay, Bering Sea—Western Interior, and East Alaska planning areas

to the selection of Native allotments under the Allotment Program.

This Order implements Alternative C as detailed in the Allotment Program EA and FONSI. Sec. 17(d)(1) of ANCSA states that “the Secretary is authorized to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accord with [her] classifications.” The analysis completed pursuant to Sec. 801 of the Alaska National Interests Lands Conservation Act included in the EA found no significant restriction on subsistence uses due to this action.

PLO Nos. 5169, 5170, 5171, 5172, 5173, 5174, 5175, and 5176 as amended, modified, or corrected, withdrew lands for selection by Village and Regional Corporations under Sec. 11(a)(3) of ANCSA, and for classification. PLO No. 5178, as amended, modified, or corrected, withdrew lands for selection by Regional Corporations under Sec. 11(a)(3) of ANCSA. PLO No. 5179, as amended, modified, or corrected, withdrew lands in aid of legislation concerning addition to, or creation of, units of the National Park, National Forest, Wildlife Refuge, and Wild and Scenic Rivers systems, and to allow for classification of the lands. PLO No. 5180, as amended, modified, or corrected, withdrew lands to allow for classification and for the protection of the public interest in these lands. PLO No. 5184, as amended, modified, or corrected, withdrew lands to allow for classification or reclassification of some of areas withdrawn by Sec. 11 of ANCSA. PLO No. 5186, as amended, modified, or corrected, withdrew lands for classification and protection of the public interest in lands not selected by the State of Alaska. PLO No. 5188, as amended, modified, or corrected, withdrew the lands in former reservations for the use and benefit of Alaska Natives for classification and protection of the public interest. PLO No. 5353, as amended, modified, or corrected, withdrew lands pending determination of eligibility of certain Native communities under ANCSA sec. 11(b)(3), and for the classification of lands not conveyed pursuant to ANCSA sec. 14.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, and Section 17(d)(1) of the Alaska Native Claims Settlement Act of 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Subject to valid existing rights, Public Land Orders No. 5169 (37 FR 5572); 5170 (37 FR 5573); 5171 (37 FR 5573); 5172 (37 FR 5574); 5173 (37 FR 5575); 5174 (37 FR 5576); 5175 (37 FR 5576); 5176 (37 FR 5577); 5178 (37 FR 5579); 5179 (37 FR 5579); 5180 (37 FR 5583); 5184 (37 FR 5588); 5186 (37 FR 5589); 5188 (37 FR 5591); and 5353 (38 FR 19825), and any amendments, modifications, or corrections to these Orders, if any, are hereby partially revoked to allow for allotment selection under the Allotment Program, and for no other purposes, insofar as they affect the following described Federal lands in the Kobuk-Seward Peninsula, Ring of Fire, Bay, Bering Sea—Western Interior, and East Alaska planning areas, excepting any lands within 500 feet of the Iditarod National Historic Trail, and any lands within ¼ mile of cultural resource sites, including lands applied for by regional corporations pursuant to ANCSA section 14(h)(1) and known cultural resources sites identified in the Allotment Program EA. The exact locations of these sites are withheld in order to limit the risk of harm to the cultural resource or site where the resource is located. If an applicant is interested in a particular location, they should contact the BLM in order to ensure that their application does not overlap with areas excluded from this PLO as a result of known cultural resource sites or the Iditarod National Historic trail. Subject to these exclusions, the lands to be opened are described as follows:

Kobuk—Seward Peninsula RMP**Kateel River Meridian, Alaska**

T. 21 N., R. 3 E.,

Sec. 3, that portion outside the boundary of the Kobuk Valley National Park;

Secs. 4 thru 9;

Secs. 10 and 11, those portions outside the boundary of the Kobuk Valley National Park;

Secs. 13 thru 24 and secs. 28 thru 33.

T. 10 N., R. 4 E., unsurveyed,

Secs. 1 thru 5;

Sec. 6, excepting lot 2, U.S. Survey No. 12331;

Sec. 7, excepting lots 1 and 2, U.S. Survey No. 12331;

Sec. 8, excepting U.S. Survey No. 13970;

Sec. 9, excepting U.S. Survey Nos. 12313 and 13970;

Secs. 10 thru 15;

Secs. 16 and 17, excepting U.S. Survey No. 13970;

Secs. 18 and 19;

Sec. 20, that portion outside the boundary of the Koyukuk National Wildlife Refuge;

Secs. 22 thru 26;

Secs. 35 and 36.

T. 11 N., R. 4 E., unsurveyed,

Secs. 19 thru 36.

T. 19 N., R. 4 E.,

- Secs. 19 thru 36.
T. 22 N., R. 4 E., unsurveyed,
Sec. 1;
Secs. 2 and 11, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 12 and 13;
Secs. 14 and 23, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 24 and 25;
Secs. 26, 27, and 33, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 34, 35, and 36.
T. 10 N., R. 5 E., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 20, and sec. 30.
T. 11 N., R. 5 E., unsurveyed,
Secs. 1 thru 8;
Sec. 9, excepting U.S. Survey No. 12315;
Secs. 10 thru 15;
Sec. 16, excepting U.S. Survey No. 12315;
Secs. 17 thru 36.
T. 12 N., R. 5 E., unsurveyed,
Secs. 25 thru 36.
T. 13 N., R. 5 E., unsurveyed,
Secs. 1 thru 12.
Tps. 14 thru 17 N., R. 5 E., unsurveyed.
T. 18 N., R. 5 E.,
Secs. 4 thru 9 and secs. 16 thru 21;
Sec. 22, lot 1;
Sec. 23, lot 1;
Secs. 24 thru 36.
T. 22 N., R. 5 E.,
Secs. 4 thru 9, secs. 16 thru 21, sec. 26, secs. 28 thru 33, and sec. 35.
T. 13 N., R. 6 E., unsurveyed,
Secs. 1 thru 12.
Tps. 14, 15, and 16 N., R. 6 E., unsurveyed.
T. 17 N., R. 6 E.,
Secs. 1 thru 23;
Sec. 24, lots 1 and 2;
Sec. 25, lots 1 and 2;
Secs. 26 thru 32.
T. 19 N., R. 6 E.,
Secs. 1 thru 26 and secs. 35 and 36.
T. 20 N., R. 6 E.,
Secs. 13 thru 16 and secs. 19 thru 36.
T. 21 N., R. 6 E.,
Secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
T. 13 N., R. 7 E., unsurveyed,
Secs. 1 thru 12.
T. 14 N., R. 7 E., unsurveyed.
T. 15 N., R. 7 E.,
Sec. 1;
Secs. 2 thru 36, unsurveyed.
T. 16 N., R. 7 E.,
Secs. 14, 15, and 16, secs. 19 thru 23, and secs. 25 thru 36.
T. 20 N., R. 7 E.,
Secs. 1, 2, and 3 and secs. 10 thru 32;
Sec. 33, lot 1;
Secs. 34, 35, and 36.
T. 13 N., R. 8 E., unsurveyed,
Secs. 1 thru 12.
T. 14 N., R. 8 E., unsurveyed.
T. 15 N., R. 8 E.,
Secs. 1 thru 4, unsurveyed;
Secs. 5 and 6;
Secs. 7 thru 36, unsurveyed.
T. 16 N., R. 8 E.,
Secs. 1 thru 5, secs. 7 thru 17, and secs. 20 thru 36.
T. 20 N., R. 8 E.,
Secs. 1 thru 22 and secs. 29, 30, and 31.
T. 24 N., R. 8 E., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
T. 11 N., R. 9 E., unsurveyed.
T. 12 N., R. 9 E., unsurveyed,
Secs. 25 thru 36.
Tps. 14 and 15 N., R. 9 E., unsurveyed.
T. 16 N., R. 9 E.,
Secs. 1 thru 4, unsurveyed;
Sec. 7;
Secs. 10 thru 15, unsurveyed;
Secs. 17 thru 20;
Secs. 22 thru 27 and secs. 30 thru 36, unsurveyed.
T. 20 N., R. 9 E.,
Sec. 1, secs. 3 thru 9, sec. 12, and secs. 15 thru 18.
T. 11 N., R. 10 E., unsurveyed,
Secs. 13, 14, and 15;
Sec. 16, excepting U.S. Survey No. 10040;
Secs. 17 thru 36.
T. 13 N., R. 10 E., unsurveyed,
Secs. 1, 2, and 3.
Tps. 14, 15, and 16 N., R. 10 E., unsurveyed.
T. 17 N., R. 10 E.,
Secs. 21 thru 36.
T. 13 N., R. 11 E., unsurveyed,
Secs. 1 thru 6, secs. 9 thru 16, secs. 21 thru 27, and secs. 34, 35, and 36.
Tps. 14 and 15 N., R. 11 E., unsurveyed.
T. 16 N., R. 11 E.,
Secs. 1 and 2, unsurveyed;
Secs. 3 thru 6;
Secs. 7 thru 36, unsurveyed.
T. 19 N., R. 11 E.,
Secs. 1 thru 4 and secs. 9 thru 14;
Sec. 15, lot 4;
Sec. 16, secs. 23 thru 26, and secs. 35 and 36.
T. 13 N., R. 12 E., unsurveyed.
Tps. 12 and 13 N., R. 13 E., unsurveyed.
T. 11 N., R. 14 E., unsurveyed,
Secs. 1 thru 27 and sec. 36.
T. 12 N., R. 14 E., unsurveyed,
Secs. 1 thru 7;
Sec. 8, excepting U.S. Survey No. 6337;
Secs. 9 thru 36.
T. 13 N., R. 14 E., unsurveyed.
Tps. 11, 12, and 13 N., R. 15 E., unsurveyed.
T. 7 N., R. 2 W., unsurveyed,
Secs. 25 thru 36.
T. 7 N., R. 3 W., unsurveyed,
Secs. 25 thru 36.
Tps. 1, 7 and 8 N., R. 4 W., unsurveyed.
Tps. 1 thru 8 N., R. 5 W., unsurveyed.
T. 9 N., R. 5 W., unsurveyed,
Sec. 1;
Sec. 2, excepting U.S. Survey No. 12311;
Secs. 3 thru 11;
Sec. 12, excepting U.S. Survey No. 12312;
Secs. 13 thru 36.
Tps. 1 and 2 N., R. 6 W., unsurveyed.
T. 3 N., R. 6 W., unsurveyed,
Sec. 1, excepting lot 2, U.S. Survey No. 11327;
Secs. 2 thru 10;
Sec. 11, excepting lots 1 and 3, U.S. Survey No. 11327;
Sec. 12, excepting lot 1, U.S. Survey No. 11327;
Secs. 13 thru 36.
T. 4 N., R. 6 W., unsurveyed,
Secs. 1 thru 17;
Sec. 18, excepting lot 2, U.S. Survey No. 11329;
Sec. 19, excepting lots 1 and 2, U.S. Survey No. 11329;
Secs. 20 thru 32;
Sec. 33, excepting U.S. Survey No. 11328;
Secs. 34, 35, and 36.
Tps. 5 thru 9 N., R. 6 W., unsurveyed.
T. 19 N., R. 6 W.,
Secs. 13 thru 20 and secs. 29 and 30.
Tps. 1 thru 9 N., R. 7 W., unsurveyed.
T. 19 N., R. 7 W.,
Secs. 13 thru 28;
Secs. 29, 30, and 31, excepting U.S. Survey No. 13879;
Secs. 32 thru 36.
T. 20 N., R. 7 W.,
Secs. 22, 23, and 24.
T. 23 N., R. 7 W., unsurveyed,
Secs. 4 and 5, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 6 and 7;
Secs. 8 and 17, those portions outside the boundary of the Kobuk Valley National Park;
Sec. 18;
Secs. 20, 21, 27, and 28, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 29, 31, 32, and 33;
Sec. 34, that portion outside the boundary of the Kobuk Valley National Park.
T. 24 N., R. 7 W., unsurveyed,
Secs. 2 and 3, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 4 thru 8;
Secs. 9, 10, 11, 16, and 17, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 18 and 19;
Secs. 20, 28, and 29, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 30, 31, and 32;
Sec. 33, that portion outside the boundary of the Kobuk Valley National Park.
T. 25 N., R. 7 W., unsurveyed,
Sec. 7, that portion outside the boundary of the Noatak National Preserve and Wilderness;
Sec. 8, that portion outside the boundaries of the Noatak National Preserve and Wilderness and the Kobuk Valley National Park;
Secs. 16 and 17, those portions outside the boundary of the Kobuk Valley National Park;
Sec. 18, that portion outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 19 and 20;
Secs. 21, 22, 27, and 28, those portions outside the boundary of the Kobuk Valley National Park;
Secs. 29 thru 33;
Secs. 34 and 35, those portions outside the boundary of the Kobuk Valley National Park.
Tps. 1 thru 4 N., R. 8 W., unsurveyed.
T. 5 N., R. 8 W., unsurveyed,
Secs. 1 thru 22;
Secs. 23 and 24, excepting U.S. Survey No. 11330;
Secs. 25 thru 36.
Tps. 6 thru 10 N., R. 8 W., unsurveyed.
T. 11 N., R. 8 W., unsurveyed,

- Sec. 8;
Sec. 9, excepting lot 2, U.S. Survey No. 14141 and U.S. Survey No. 11994;
Sec. 10, excepting lot 1, U.S. Survey No. 14141 and U.S. Survey No. 11994;
Secs. 11 thru 36;
lot 2, U.S. Survey No. 14141.
- T. 23 N. R. 8 W., unsurveyed,
Secs. 1 thru 23 and secs. 26 thru 35.
- T. 24 N., R. 8 W., unsurveyed.
- T. 25 N., R. 8 W., unsurveyed,
Secs. 2 and 3, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 4 thru 10;
Secs. 11, 13, and 14, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 15 thru 36.
- T. 26 N., R. 8 W., unsurveyed,
Secs. 16, 17, and 18, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 19 and 20;
Secs. 21, 22, 26, and 27, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 28 thru 33;
Sec. 34, that portion outside the boundary of the Noatak National Preserve and Wilderness.
- Tps. 1 and 2 N., R. 9 W., unsurveyed.
- T. 3 N., R. 9 W., unsurveyed,
Secs. 1 thru 5;
Sec. 6, excepting lots 1 and 2, U.S. Survey No. 11332;
Sec. 7, excepting lots 1 thru 5, U.S. Survey No. 11332;
Sec. 8, excepting lot 6, U.S. Survey No. 11332;
Secs. 9 thru 16;
Sec. 17, excepting lots 6, 7, and 8, U.S. Survey No. 11332;
Secs. 18 thru 36.
- T. 4 N., R. 9 W., unsurveyed.
- T. 5 N., R. 9 W., unsurveyed,
Secs. 1 thru 18;
Sec. 19, excepting lots 1 and 2, U.S. Survey No. 11335;
Sec. 20, excepting lots 1 and 6, U.S. Survey No. 11335;
Secs. 21 thru 28;
Sec. 29, excepting U.S. Survey No. 2018 and lots 1 thru 5 and lots 8 and 9, U.S. Survey No. 11335;
Sec. 30, excepting lots 1, 2, and 4, U.S. Survey No. 11335;
Secs. 31 thru 36;
lot 9, U.S. Survey No. 11335.
- Tps. 6 thru 9 N., R. 9 W., unsurveyed.
- T. 10 N., R. 9 W., unsurveyed,
Secs. 1 thru 4;
Sec. 5, excepting U.S. Survey No. 12015;
Secs. 6 thru 36.
- T. 11 N., R. 9 W., unsurveyed,
Sec. 13 and secs. 19 thru 36.
- T. 18 N., R. 9 W.,
Secs. 4 thru 9 and secs. 16 thru 20.
- T. 19 N., R. 9 W.,
Sec. 1, lots 1, 3, and 4;
Secs. 2 thru 36.
- T. 20 N., R. 9 W.,
Secs. 1, 2, and 3.
- T. 21 N., R. 9 W., unsurveyed,
Secs. 1 thru 18;
Sec. 19, excepting U.S. Survey No. 13978;
- Secs. 20 thru 36.
- T. 22 N., R. 9 W., unsurveyed,
Secs. 3 and 4, secs. 9 thru 17, and secs. 20 thru 36.
- T. 23 N., R. 9 W., unsurveyed,
Secs. 33 and 34.
- T. 26 N., R. 9 W., unsurveyed,
Secs. 13, 14, 22, and 23, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 24, 25, and 26;
Secs. 27, 34, and 35, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Sec. 36.
- Tps. 6, 7, 8, and 10 N., R. 10 W., unsurveyed.
- T. 11 N., R. 10 W., unsurveyed,
Secs. 6, 7, and 8 and secs. 13 thru 36.
- T. 18 N., R. 10 W.,
Secs. 1 thru 24;
Sec. 25, lot 1;
Sec. 26;
Sec. 27, lot 1;
Sec. 28, lot 1;
Sec. 29, lot 1;
Sec. 30;
Sec. 31, lot 1;
Sec. 32, lot 2;
Sec. 34, lot 1;
Sec. 35, lot 2.
- T. 19 N., R. 10 W.,
Secs. 7 and 8 and secs. 13 thru 36.
- T. 21 N., R. 10 W., unsurveyed,
Secs. 1, 5, 6, and 7, secs. 11 thru 15, secs. 21 thru 28, and secs. 32 thru 36.
- T. 22 N., R. 10 W., unsurveyed,
Secs. 2 thru 11, secs. 14 thru 22, and secs. 28 thru 32.
- T. 23 N., R. 10 W., unsurveyed,
Secs. 31 thru 36.
- T. 25 N., R. 10 W., unsurveyed,
Secs. 2 and 12, those portions outside the boundary of the Noatak National Preserve and Wilderness.
- T. 26 N., R. 10 W., unsurveyed,
Secs. 19, 20, and 21 and secs. 27 thru 30, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 31, 32, and 33;
Sec. 34, that portion outside the boundary of the Noatak National Preserve and Wilderness.
- T. 5 N., R. 11 W.,
Sec. 1, secs. 5 thru 9, sec. 12, secs. 16 thru 21, sec. 25, and secs. 27 thru 36.
- T. 6 N., R. 11 W.,
Sec. 1, secs. 9 thru 15, secs. 22 thru 27, and secs. 35 and 36.
- T. 7 N., R. 11 W.,
Secs. 1 thru 25 and sec. 36.
- T. 8 N., R. 11 W.,
Secs. 1 thru 4, secs. 8 thru 17, and secs. 19 thru 36.
- T. 10 N., R. 11 W., unsurveyed,
Secs. 1, 2, and 3, secs. 9 thru 15, secs. 23 thru 26, and secs. 35 and 36.
- T. 11 N., R. 11 W., unsurveyed,
Secs. 1 thru 29 and secs. 33 thru 36.
- T. 12 N., R. 11 W., unsurveyed,
Secs. 6, 7, and 8 and secs. 16 thru 21;
Sec. 26, excepting U.S. Survey No. 12326;
Secs. 27 thru 36.
- T. 18 N., R. 11 W.,
Secs. 1 thru 24.
- T. 19 N., R. 11 W.,
Secs. 1 thru 24.
- T. 20 N., R. 11 W., unsurveyed,
Secs. 4, 12, and 19 and secs. 29 thru 34.
- T. 21 N., R. 11 W., unsurveyed,
Sec. 1;
Secs. 2 and 3, excepting U.S. Survey No. 9139;
Secs. 9 thru 16;
Sec. 17, E $\frac{1}{2}$ and those lands west of the easterly bank of the Squirrel River, excepting U.S. Survey No. 6711;
Secs. 18 and 19, those lands west of the easterly bank of the Squirrel River, excepting U.S. Survey No. 6711;
Secs. 21 thru 24 and secs. 26, 27, 28, and 34.
- T. 22 N., R. 11 W., unsurveyed,
Sec. 1 and secs. 3 thru 9;
Sec. 10, NW $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$;
Secs. 12, 13, and 14, secs. 17 thru 27, secs. 29 thru 32, and secs. 34, 35, and 36.
- T. 23 N., R. 11 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 22, and secs. 27 thru 34.
- T. 24 N., R. 11 W., unsurveyed,
Secs. 1 thru 11;
Secs. 12 and 13, excepting U.S. Survey No. 13860;
Secs. 14 thru 24 and secs. 27 thru 34.
- T. 25 N., R. 11 W., unsurveyed.
- T. 26 N., R. 11 W., unsurveyed,
Secs. 17 and 18, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Sec. 19;
Secs. 20 thru 24, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 25 thru 29;
Secs. 30 and 31, those portions outside the boundary of the Noatak National Preserve and Wilderness;
Secs. 32 thru 36.
- T. 5 N., R. 12 W.
- T. 9 N., R. 12 W.,
Secs. 15 thru 22 and secs. 27 thru 34.
- T. 11 N., R. 12 W., unsurveyed,
Secs. 1 thru 6 and secs. 9 thru 14.
- T. 12 N., R. 12 W., unsurveyed.
- T. 13 N., R. 12 W., unsurveyed,
Sec. 23, excepting lot 6, U.S. Survey No. 6249;
Secs. 26, 27, 33, 34, and 35.
- Tps. 18 and 19 N., R. 12 W.
- T. 20 N., R. 12 W., unsurveyed,
Secs. 6 thru 9 and secs. 14 thru 36.
- T. 21 N., R. 12 W., unsurveyed,
Secs. 4 thru 11;
Sec. 12, those lands right of the left bank of the Squirrel River;
Secs. 13 thru 27, secs. 29 thru 32, and sec. 36.
- T. 22 N., R. 12 W., unsurveyed,
Secs. 1 and 2, secs. 4 thru 8, secs. 11 thru 14, secs. 17 thru 20, and secs. 23 thru 26;
Sec. 29, those lands right of the left bank of the Squirrel River;
Sec. 30, those lands within the left and right banks of the Squirrel River;
Sec. 31;
Sec. 32, those lands right of the left bank of the Squirrel River;
Sec. 33, those lands within the left and right banks of the Squirrel River;
Secs. 35 and 36.
- Tps. 23 and 24 N., R. 12 W., unsurveyed.

- T. 25 N., R. 12 W., unsurveyed,
Secs. 1, 2, 3, 9, and 10, those portions
outside the boundary of the Noatak
National Preserve;
Sec. 11;
Sec. 12, that portion outside the boundary
of the Noatak National Preserve;
Secs. 13, 14, and 15;
Secs. 16, 17, 19, and 20, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 21 thru 29;
Sec. 30, that portion outside the boundary
of the Noatak National Preserve;
Secs. 31 thru 36.
- T. 26 N., R. 12 W., unsurveyed,
Sec. 13, that portion outside the boundary
of the Noatak National Preserve and
Wilderness;
Secs. 24, 25, and 36, those portions outside
the boundary of the Noatak National
Preserve.
- T. 5 N., R. 13 W.
T. 6 N., R. 13 W.,
Secs. 3 thru 10 and secs. 14 thru 36.
- T. 7 N., R. 13 W.,
Secs. 1 thru 23 and secs. 27 thru 34.
- T. 8 N., R. 13 W.
T. 9 N., R. 13 W., unsurveyed.
T. 10 N., R. 13 W., unsurveyed,
Secs. 26 thru 29 and secs. 31 thru 35.
- T. 12 N., R. 13 W., unsurveyed,
Sec. 11, excepting lots 1 and 5, U.S. Survey
No. 12324;
Sec. 12, excepting lot 5, U.S. Survey No.
12324;
Secs. 13 thru 16, secs. 19 thru 30, and secs.
33 thru 36.
- T. 19 N., R. 13 W.,
Secs. 1 thru 30 and secs. 32 thru 36.
- T. 20 N., R. 13 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4 and 5, excepting U.S. Survey No.
8795;
Secs. 6 and 7;
Secs. 8 and 9, excepting U.S. Survey No.
8794;
Secs. 10 thru 15;
Secs. 16 and 17, excepting U.S. Survey No.
8794;
Secs. 18 thru 36.
- T. 21 N., R. 13 W., unsurveyed,
Sec. 1, secs. 6 thru 9, and secs. 12 thru 36.
- T. 22 N., R. 13 W., unsurveyed,
Secs. 1 thru 18;
Sec. 20, N¹/₂;
Sec. 22, S¹/₂;
Secs. 35 and 36.
- T. 23 N., R. 13 W., unsurveyed.
- T. 24 N., R. 13 W., unsurveyed,
Sec. 1;
Secs. 2, 3, 8, 9, and 10, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 11 thru 16;
Secs. 17 and 18, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 19 thru 36.
- T. 25 N., R. 13 W., unsurveyed,
Secs. 25 and 36, those portions outside the
boundary of the Noatak National
Preserve.
- Tps. 5, 6, and 7 N., R. 14 W.
T. 8 N., R. 14 W.,
Secs. 1 thru 4, secs. 9 thru 16, secs. 21 thru
28, and secs. 32 thru 36.
- T. 9 N., R. 14 W., unsurveyed,
Secs. 12 and 13, secs. 23 thru 26, and secs.
35 and 36.
- T. 12 N., R. 14 W., unsurveyed,
Secs. 5 thru 8 and secs. 15 thru 30.
- T. 13 N., R. 14 W., unsurveyed,
Sec. 31.
- T. 19 N., R. 14 W.,
Secs. 1 thru 5, unsurveyed;
Sec. 6, unsurveyed, excepting U.S. Survey
No. 10933;
Secs. 7 and 8;
Sec. 9, unsurveyed, excepting lot 2, U.S.
Survey No. 10927;
Secs. 10 thru 14, unsurveyed;
Sec. 15, unsurveyed, excepting lots 1 and
2, U.S. Survey No. 10927;
Sec. 16;
Sec. 24, unsurveyed, excepting lot 1, U.S.
Survey No. 10891.
- T. 20 N., R. 14 W., unsurveyed.
- T. 21 N., R. 14 W., unsurveyed,
Secs. 1 thru 29;
Secs. 30 and 31, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 32 thru 36.
- T. 22 N., R. 14 W., unsurveyed,
Secs. 1 thru 9, secs. 11 thru 14, secs. 16
thru 20, secs. 23 and 26, and secs. 29
thru 36.
- T. 23 N., R. 14 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5, 7, 8, and 9, those portions outside
the boundary of the Noatak National
Preserve;
Secs. 10 thru 17;
Sec. 18, that portion outside the boundary
of the Noatak National Preserve;
Secs. 19 thru 36.
- T. 24 N., R. 14 W., unsurveyed,
Secs. 13, 14, 21, 22, and 23, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 24 and 25;
Secs. 26 thru 29 and secs. 31 and 32, those
portions outside the boundary of the
Noatak National Preserve;
Secs. 33 thru 36.
- T. 11 N., R. 15 W., unsurveyed,
Secs. 2 and 3.
- T. 12 N., R. 15 W., unsurveyed,
Secs. 1 and 2;
Sec. 3, excepting lot 1, U.S. Survey No.
11667;
Sec. 10, excepting lots 1 and 2, U.S. Survey
No. 11667;
Secs. 11 thru 15;
Sec. 22, excepting lot 1, U.S. Survey No.
12330;
Secs. 23 thru 27;
Secs. 34, 35, and 36.
- T. 13 N., R. 15 W., unsurveyed,
Secs. 26 and 36.
- T. 19 N., R. 15 W.,
Secs. 1, 2, and 3.
- T. 20 N., R. 15 W., unsurveyed,
Secs. 1, 2, 9, 10, and 11, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 12 thru 15;
Secs. 16 and 17, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 20 thru 29 and secs. 31 thru 36.
- T. 21 N., R. 15 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5, 8, and 9, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 10 thru 12, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 13 thru 36.
- T. 15 N., R. 16 W.,
Secs. 2 thru 6 and secs. 8, 9, 10, 15, 16,
22, and 27.
- T. 16 N., R. 16 W.,
Secs. 29, 31, and 32.
- T. 19 N., R. 16 W.,
Sec. 9, excepting Interim Conveyance Nos.
2150 and 2151;
Sec. 27, lots 1 and 2.
- T. 22 N., R. 16 W., unsurveyed,
Secs. 1 and 2;
Secs. 3, 4, and 5, and secs. 8 thru 11, those
portions outside the boundary of the
Noatak National Preserve;
Sec. 12;
Secs. 13, 14, and 24, those portions outside
the boundary of the Noatak National
Preserve.
- T. 23 N., R. 16 W., unsurveyed,
Secs. 1, 11, and 12, those portions outside
the boundary of the Noatak National
Preserve;
Sec. 13;
Secs. 14 and 23, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 24 and 25;
Secs. 26, 27, 33, and 34, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 35 and 36.
- T. 15 N., R. 17 W.,
Secs. 1, 4, and 5.
- T. 20 N., R. 17 W.,
Secs. 16, 17, 19, 20, and 23 and secs. 29
thru 32.
- T. 26 N., R. 17 W.,
Secs. 5, 6, and 7.
- T. 27 N., R. 17 W.,
Secs. 32 and 33.
- T. 17 N., R. 18 W.,
Sec. 14, NW¹/₄, excepting Patent No. 50–
97–0162; tract 37.
- T. 18 N., R. 18 W.,
Sec. 25, lot 6.
- T. 20 N., R. 18 W.,
Secs. 5 thru 8 and secs. 16 thru 30.
- T. 21 N., R. 18 W.,
Secs. 7 thru 11, secs. 13 thru 24, and secs.
26 thru 34.
- Secs. 1 thru 4;
Secs. 5, 8, and 9, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 10 thru 14;
Secs. 15, 16, 17, 22, and 23, those portions
outside the boundary of the Noatak
National Preserve;
Sec. 24;
Secs. 25 and 26, those portions outside the
boundary of the Noatak National
Preserve.
- T. 22 N., R. 15 W., unsurveyed,
Secs. 1 thru 18;
Secs. 19 and 20, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 21 thru 27;
Secs. 28, 29, 32, and 33, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 34, 35, and 36.
- T. 23 N., R. 15 W., unsurveyed,
Secs. 6 thru 12, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 13 thru 36.
- T. 15 N., R. 16 W.,
Secs. 2 thru 6 and secs. 8, 9, 10, 15, 16,
22, and 27.
- T. 16 N., R. 16 W.,
Secs. 29, 31, and 32.
- T. 19 N., R. 16 W.,
Sec. 9, excepting Interim Conveyance Nos.
2150 and 2151;
Sec. 27, lots 1 and 2.
- T. 22 N., R. 16 W., unsurveyed,
Secs. 1 and 2;
Secs. 3, 4, and 5, and secs. 8 thru 11, those
portions outside the boundary of the
Noatak National Preserve;
Sec. 12;
Secs. 13, 14, and 24, those portions outside
the boundary of the Noatak National
Preserve.
- T. 23 N., R. 16 W., unsurveyed,
Secs. 1, 11, and 12, those portions outside
the boundary of the Noatak National
Preserve;
Sec. 13;
Secs. 14 and 23, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 24 and 25;
Secs. 26, 27, 33, and 34, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 35 and 36.
- T. 15 N., R. 17 W.,
Secs. 1, 4, and 5.
- T. 20 N., R. 17 W.,
Secs. 16, 17, 19, 20, and 23 and secs. 29
thru 32.
- T. 26 N., R. 17 W.,
Secs. 5, 6, and 7.
- T. 27 N., R. 17 W.,
Secs. 32 and 33.
- T. 17 N., R. 18 W.,
Sec. 14, NW¹/₄, excepting Patent No. 50–
97–0162; tract 37.
- T. 18 N., R. 18 W.,
Sec. 25, lot 6.
- T. 20 N., R. 18 W.,
Secs. 5 thru 8 and secs. 16 thru 30.
- T. 21 N., R. 18 W.,
Secs. 7 thru 11, secs. 13 thru 24, and secs.
26 thru 34.

- T. 22 N., R. 18 W.,
Secs. 6 and 7, secs. 17 thru 21, and secs. 28, 29, and 30.
- T. 23 N., R. 18 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22, 23, 24, and 27, and secs. 31 thru 34.
- T. 24 N., R. 18 W.,
Secs. 25, 26, 34, 35, and 36.
- T. 25 N., R. 18 W.,
Sec. 5, lot 1;
Secs. 8 and 17;
Sec. 19, lots 1 thru 4;
Secs. 30 and 31.
- T. 26 N., R. 18 W.,
Secs. 12 thru 15 and sec. 21.
- T. 27 N., R. 18 W.,
Sec. 33.
- T. 32 N., R. 18 W., tract A.
- T. 33 N., R. 18 W., tract A.
- T. 6 N., R. 19 W.,
Sec. 19 and secs. 29 thru 32.
- T. 20 N., R. 19 W., unsurveyed,
Sec. 1, that portion outside the boundary of the Cape Krusenstern National Monument.
- T. 21 N., R. 19 W.,
Secs. 1 thru 17;
Secs. 18, 21, and 22, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 23, 24, and 25;
Secs. 26, 27, and 36, those portions outside the boundary of the Cape Krusenstern National Monument.
- T. 22 N., R. 19 W.,
Secs. 1 thru 29 and secs. 31 thru 36.
- T. 33 N., R. 19 W., tract C.
- T. 21 N., R. 20 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4, 9, 10, and 11, those portions outside the boundary of the Cape Krusenstern National Monument;
Sec. 12;
Secs. 13 and 14, those portions outside the boundary of the Cape Krusenstern National Monument.
- T. 22 N., R. 20 W.,
Secs. 1 thru 4, secs. 10 thru 14, secs. 18, 19, 20, and 24, and secs. 28 thru 35.
- T. 24 N., R. 20 W.,
Secs. 7, 21, and 28.
- T. 25 N., R. 20 W.,
Sec. 1, secs. 5 thru 8, secs. 17 thru 20, secs. 29 thru 32, and sec. 35.
- T. 26 N., R. 20 W.,
Secs. 3, 4, and 5;
Secs. 6 and 7, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 8 thru 17;
Secs. 18 and 19, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 20 thru 36.
- T. 27 N., R. 20 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4 thru 7, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 8, 9, 10, 15, 16, and 17;
Secs. 18 and 19, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 20, 21, and 22;
Secs. 23, 24, and 25, excepting lot 1, U.S. Survey No. 6734;
- Sec. 26, excepting lots 1 and 2, U.S. Survey No. 6734;
Sec. 27;
Sec. 28, excepting U.S. Survey No. 6733;
Secs. 29 thru 32;
Sec. 33, excepting U.S. Survey No. 6733;
Sec. 34;
Sec. 35, excepting lot 2, U.S. Survey No. 6734;
Sec. 36.
- T. 33 N., R. 20 W., that portion of tract A, within secs. 13 thru 36.
- T. 24 N., R. 21 W., unsurveyed,
Secs. 1 thru 3;
Secs. 4, 9, and 10, those portions outside the boundary of the Cape Krusenstern National Monument;
Secs. 11 thru 14;
Secs. 15, 22, and 23, those portions outside the boundary of the Cape Krusenstern National Monument;
Sec. 24;
Sec. 26, those portions outside the boundary of the Cape Krusenstern National Monument, excepting U.S. Survey No. 13923.
- T. 25 N., R. 21 W., unsurveyed,
Secs. 1, 12, 13, 24, 25, 26, and 35, those portions outside the boundary of the Cape Krusenstern National Monument;
Sec. 36.
- T. 26 N., R. 21 W., unsurveyed,
Secs. 1, 24, 25, and 36, those portions outside the boundary of the Cape Krusenstern National Monument.
- T. 27 N., R. 21 W., unsurveyed,
Secs. 4, 5, 6, 13, 24, 25, and 36, those portions outside the boundary of the Cape Krusenstern National Monument.
- T. 28 N., R. 21 W., unsurveyed,
Secs. 35 and 36, those portions outside the boundary of the Cape Krusenstern National Monument.
- T. 30 N., R. 21 W., unsurveyed,
Secs. 27 and 34.
- T. 33 N., R. 21 W.,
That portion of tract A, within secs. 25 thru 36.
- T. 34 N., R. 21 W.,
Tracts A, B, D, and E.
- T. 30 N., R. 22 W., unsurveyed.
- T. 31 N., R. 22 W., unsurveyed,
Secs. 19 thru 36.
- T. 33 N., R. 22 W., unsurveyed,
Secs. 1 thru 12 and secs. 15 thru 19.
- T. 34 N., R. 22 W., unsurveyed,
Sec. 13, secs. 24 thru 28, and secs. 33 thru 36.
- T. 30 N., R. 23 W., unsurveyed.
- T. 31 N., R. 23 W., unsurveyed,
Secs. 4 thru 9 and secs. 16 thru 36.
- T. 32 N., R. 23 W., unsurveyed,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
- T. 33 N., R. 23 W., unsurveyed,
Secs. 6 and 13, secs. 23 thru 28, and secs. 30 thru 36.
- T. 34 N., R. 23 W., unsurveyed,
Secs. 7 thru 24 and secs. 27 thru 33.
- T. 27 N., R. 24 W.,
Secs. 1 thru 10, secs. 16 thru 21, and secs. 30 and 31.
- T. 28 N., R. 24 W.,
Secs. 1 thru 12 and secs. 25, 35, and 36.
- T. 29 N., R. 24 W.,
Secs. 1, 2, 11, and 12, secs. 24 thru 27, and secs. 34, 35, and 36.
- T. 30 N., R. 24 W., unsurveyed,
Sec. 1;
Secs. 2 and 3, excepting U.S. Survey No. 13179;
Secs. 4 thru 16;
Secs. 17 and 18, excepting U.S. Survey No. 11923;
Secs. 19 thru 36.
- T. 31 N., R. 24 W., unsurveyed.
- T. 32 N., R. 24 W., unsurveyed,
Secs. 5 thru 8 and secs. 15 thru 36.
- T. 33 N., R. 24 W., unsurveyed,
Secs. 1 thru 24 and secs. 26 thru 34.
- T. 34 N., R. 24 W., unsurveyed.
- T. 26 N., R. 25 W.,
Secs. 1, 2, 3, 11, and 12.
- T. 27 N., R. 25 W.,
Secs. 1 thru 5, secs. 8 thru 30, and secs. 32 thru 36.
- T. 28 N., R. 25 W.,
Secs. 1, 2, 11, 12, 14, 15, 16, 21, 22, and 23.
- T. 29 N., R. 25 W.,
Secs. 1 thru 11, secs. 14 thru 22, and sec. 30.
- Tps. 30 thru 34 N., R. 25 W., unsurveyed.
- T. 29 N., R. 26 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 and 6, excepting U.S. Survey No. 6852;
Secs. 7, 8, and 9;
Sec. 10, excepting U.S. Survey No. 6819;
Secs. 11 thru 36.
- T. 30 N., R. 26 W., unsurveyed,
Secs. 1 thru 26;
Sec. 27, excepting U.S. Survey No. 6827;
Sec. 28, excepting U.S. Survey Nos. 6827 and 6830;
Secs. 29 thru 32;
Sec. 33, excepting U.S. Survey No. 6830;
Secs. 34, 35, and 36.
- Tps. 31 thru 34 N., R. 26 W., unsurveyed.
- T. 1 N., R. 27 W., unsurveyed,
Sec. 1, excepting M.S. No. 2545;
Secs. 2 thru 36;
M.S. No. 2545.
- T. 2 N., R. 27 W., unsurveyed,
Sec. 5, that portion outside the boundary of the Bering Land Bridge National Preserve;
Secs. 6, 7, and 8;
Secs. 9, 10, 11, and 14, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 15 thru 22;
Secs. 23 and 24, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 25 thru 36.
- T. 3 N., R. 27 W., unsurveyed,
Secs. 7, 18, and 31, those portions outside the boundary of the Bering Land Bridge National Preserve.
- T. 4 N., R. 27 W., unsurveyed,
Secs. 4, 5, and 6, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 7, 8, and 9;
Secs. 10 and 11, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 14 thru 21;
Secs. 22 and 23, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 29, 30, and 31;

- Sec. 32, that portion outside the boundary of the Bering Land Bridge National Preserve.
- Tps. 30 thru 34 N., R. 27 W., unsurveyed.
- T. 29 N., R. 28 W., unsurveyed,
Secs. 1 and 2;
Secs. 3 and 11, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 12 and 13.
- Tps. 31 thru 34 N., R. 28 W., unsurveyed.
- T. 30 N., R. 29 W., unsurveyed,
Sec. 3, that portion outside the boundary of the Alaska Maritime National Wildlife Refuge;
Sec. 11.
- T. 31 N., R. 29 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 and 8, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 9 thru 14;
Secs. 15, 16, 17, and 22, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 23 thru 26;
Secs. 27 and 34, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge.
- T. 32 N., R. 29 W., unsurveyed,
Secs. 1 thru 18;
Secs. 19 and 20, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 21 thru 27;
Secs. 28, 29, and 32, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 33 thru 36.
- T. 32 N., R. 30 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4 and 9, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 10, 11, and 12;
Secs. 13 thru 16 and secs. 23, 24, and 25, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge.
- T. 34 N., R. 30 W., unsurveyed,
Secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
- T. 8 N., R. 32 W.,
Secs. 23 thru 26 and secs. 35 and 36.
- T. 9 N., R. 32 W.,
Secs. 2 thru 6 and secs. 8 thru 11.
- T. 8 N., R. 33 W.,
Sec. 31.
- T. 10 N., R. 33 W.,
Secs. 1 and 2, secs. 11 thru 14, secs. 23 thru 26, and sec. 36.
- T. 11 N., R. 33 W.,
Secs. 25, 35, and 36.
- T. 8 N., R. 34 W.,
Secs. 30 thru 36.
- T. 8 N., R. 35 W.,
Secs. 24, 25, and 36.
- T. 1 N., R. 36 W.
- T. 8 N., R. 36 W.,
Secs. 2 and 3, secs. 7 thru 11, secs. 14 thru 23, and secs. 27 thru 34.
- T. 8 N., R. 37 W.,
Secs. 10 thru 15 and secs. 19 thru 36.
- T. 1 N., R. 38 W.,
Tracts A and B.
- T. 5 N., R. 38 W., unsurveyed,
- Secs. 1 thru 5;
Sec. 6, excepting U.S. Survey No. 12266;
Secs. 7 thru 36.
- T. 1 N., R. 39 W.,
Secs. 1, 2, and 3.
- T. 5 N., R. 39 W., unsurveyed.
- T. 4 N., R. 40 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, and secs. 19 thru 36.
- T. 2 N., R. 41 W.,
Secs. 5, 8, and 17.
- T. 3 N., R. 41 W.,
Secs. 13 thru 16, secs. 21 thru 28, and secs. 32 thru 36.
- T. 4 N., R. 41 W., unsurveyed,
Secs. 19 thru 36.
- T. 2 N., R. 42 W.,
Secs. 4, 5, 6, 9, 16, 22, 23, and 24.
- T. 3 N., R. 42 W.,
Secs. 1 thru 18.
- T. 4 N., R. 42 W., unsurveyed,
Secs. 1, 2, and 3, secs. 8 thru 16, and secs. 21 thru 26;
Sec. 27, excepting U.S. Survey No. 13902;
Sec. 28;
Sec. 29, excepting U.S. Survey No. 13183;
Secs. 31 thru 36.
- T. 2 N., R. 43 W.,
Secs. 5, 6, and 7.
- T. 3 N., R. 43 W.,
Secs. 31 and 32.
- T. 3 N., R. 44 W.,
Secs. 25, 26, and 27 and secs. 33 thru 36.
- Tps. 1 and 2 S., R. 4 W., unsurveyed.
- Tps. 1 thru 6 S., R. 5 W., unsurveyed.
- Tps. 1 thru 5 S., R. 6 W., unsurveyed.
- T. 6 S., R. 6 W., unsurveyed,
Secs. 1 thru 31;
Sec. 32, excepting U.S. Survey No. 13579;
Secs. 33 thru 36.
- Tps. 7 and 8 S., R. 6 W., unsurveyed.
- Tps. 1 thru 10 S., R. 7 W., unsurveyed.
- T. 11 S., R. 7 W., unsurveyed,
Secs. 1 thru 28;
Sec. 29, excepting U.S. Survey No. 13578;
Secs. 30 thru 36.
- Tps. 1 thru 13 S., R. 8 W., unsurveyed.
- Tps. 1 thru 4 S., R. 9 W., unsurveyed.
- T. 5 S., R. 9 W., unsurveyed,
Secs. 1 thru 30;
Sec. 31, excepting lot 1, U.S. Survey No. 12420;
Secs. 32 thru 36.
- T. 6 S., R. 9 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 and 6, excepting U.S. Survey No. 12420;
Secs. 7 thru 36.
- Tps. 7, 8, and 9 S., R. 9 W., unsurveyed.
- T. 10 S., R. 9 W., unsurveyed,
Secs. 1 thru 30 and secs. 32 thru 36.
- T. 11 S., R. 9 W., unsurveyed,
Secs. 1 thru 5 and secs. 8 and 9;
Sec. 10, excepting U.S. Survey No. 13575;
Secs. 11 thru 36.
- Tps. 12, 13, and 14 S., R. 9 W., unsurveyed.
- Tps. 4, 5, and 6 S., R. 10 W., unsurveyed.
- T. 7 S., R. 10 W.,
Secs. 1 thru 18, secs. 20 thru 29, and secs. 34, 35, and 36.
- T. 8 S., R. 10 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 12432;
Sec. 2 and secs. 6 thru 36.
- T. 9 S., R. 10 W.,
Sec. 36; tracts A thru T.
- T. 10 S., R. 10 W.,
Secs. 1, 12, 13, 24, and 25; tracts A thru U.
- T. 11 S., R. 10 W., unsurveyed,
Secs. 3 thru 5;
Sec. 6, excepting U.S. Survey No. 13564;
Sec. 7, excepting M.S. Nos. 1245, 1894, 1895, 2331, and U.S. Survey No. 13564;
Sec. 8, excepting M.S. Nos. 1245, 1894, and U.S. Survey No. 13564;
Secs. 9 and 10 and secs. 13 thru 16;
Secs. 17 and 18, excepting M.S. No. 1894;
Secs. 19 thru 36.
- T. 12 S., R. 10 W., unsurveyed.
- T. 13 S., R. 10 W., unsurveyed,
Secs. 1 thru 5;
Secs. 6 and 7, excepting U.S. Survey No. 13903;
Secs. 8 thru 36.
- Tps. 14 and 15 S., R. 10 W., unsurveyed.
- T. 3 S., R. 11 W.,
T. 4 S., R. 11 W.,
Secs. 1 thru 16, sec. 18, secs. 21 thru 28, and secs. 34, 35, and 36.
- T. 5 S., R. 11 W.,
Secs. 1 thru 4, secs. 9 thru 15, sec. 19, secs. 22 thru 27, secs. 30, 31, 34, 35, and 36.
- T. 6 S., R. 11 W.,
Secs. 1, 2, 6, and 7, secs. 11 thru 15, secs. 22 thru 28, and secs. 32 thru 36.
- T. 7 S., R. 11 W.,
Secs. 1 thru 22, secs. 24, 27, and 28.
- T. 8 S., R. 11 W., unsurveyed,
Secs. 13, 14, 24, and 25.
- T. 10 S., R. 11 W., unsurveyed,
Sec. 24, excepting lot 1, U.S. Survey No. 12250;
Sec. 25;
Sec. 34, excepting lot 1, U.S. Survey No. 12265;
Secs. 35 and 36.
- T. 11 S., R. 11 W.,
Sec. 12;
Secs. 29 thru 36; M.S. No. 2331.
- T. 12 S., R. 11 W., unsurveyed.
- T. 13 S., R. 11 W.,
Secs. 19 thru 36.
- T. 14 S., R. 11 W., unsurveyed,
Secs. 1 thru 28 and secs. 33 thru 36.
- T. 15 S., R. 11 W.,
Secs. 1 thru 5 and secs. 8 thru 36.
- T. 3 S., R. 12 W.,
Secs. 1, 2, 3, 6, and 7, secs. 10 thru 15, secs. 18 and 19, secs. 22 thru 27, secs. 30, 34, 35, and 36.
- T. 4 S., R. 12 W.,
Secs. 1, 2, and 3 and secs. 10 thru 13.
- T. 5 S., R. 12 W.,
Secs. 1 thru 5, secs. 8 thru 12, secs. 16, 17, 19, 20, 24, 25, and 26, and secs. 29 thru 36.
- T. 12 S., R. 12 W.,
Secs. 1 thru 4, secs. 9 thru 16, and secs. 23 and 24.
- T. 13 S., R. 12 W.,
Sec. 25;
U.S. Survey No. 2046.
- T. 14 S., R. 12 W.,
Sec. 1.
- T. 1 S., R. 13 W., that portion of tract A, within sec. 24, S¹/₂; that portion of tract A, within sec. 25, N¹/₂.
- T. 3 S., R. 13 W.
- T. 4 S., R. 13 W.,
Secs. 5, 6, 7, 19, 27, and 28 and secs. 33 thru 36.
- T. 5 S., R. 13 W.,

- Secs. 1 thru 12, secs. 14 thru 23, and secs. 28 thru 36.
T. 6 S., R. 13 W.,
Secs. 1 thru 30.
T. 7 S., R. 13 W.,
Secs. 2 thru 10, secs. 15 thru 20, and secs. 29, 30, and 31.
T. 8 S., R. 13 W.,
Sec. 6.
Tps. 3 and 4 S., R. 14 W., unsurveyed.
T. 5 S., R. 14 W.,
Sec. 12; tracts A, B, and C.
Tps. 6 and 7 S., R. 14 W.,
T. 8 S., R. 14 W.,
Secs. 1 thru 4, secs. 9 thru 12, secs. 14, 15, and 16, and secs. 21 thru 24.
Tps. 3, 4, and 5 S., R. 15 W., unsurveyed.
T. 6 S., R. 15 W.,
Secs. 1 and 2.
Tps. 3, 4 and 5 S., R. 16 W., unsurveyed.
T. 6 S., R. 16 W.,
Tract A.
T. 3 S., R. 17 W., unsurveyed,
Secs. 1, 2, 6, and 7, secs. 11 thru 15, sec. 18, secs. 22 thru 28, and secs. 33 thru 36.
T. 4 S., R. 17 W., unsurveyed,
Secs. 1 thru 29 and secs. 32 thru 36.
T. 5 S., R. 17 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, and secs. 22 thru 36.
T. 6 S., R. 17 W.,
Sec. 35;
Tract A.
T. 3 S., R. 18 W.,
Secs. 1 thru 6 and secs. 10 thru 13;
Sec. 25, S $\frac{1}{2}$, excepting U.S. Survey No. 13777;
Sec. 36, N $\frac{1}{2}$, excepting U.S. Survey No. 13777.
T. 6 S., R. 18 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, secs. 21 thru 29, and secs. 32 thru 36.
T. 7 S., R. 18 W.,
That portion of tract A, within secs. 1 thru 5, secs. 7 thru 11, secs. 15 thru 21, and secs. 29 thru 32.
T. 8 S., R. 18 W.,
Tract A.
T. 2 S., R. 19 W., unsurveyed.
T. 3 S., R. 19 W., unsurveyed,
Secs. 1 thru 10 and sec. 18.
T. 4 S., R. 19 W., unsurveyed,
Secs. 4 thru 9, secs. 15 thru 21, and secs. 29 and 30.
T. 7 S., R. 19 W., unsurveyed,
Secs. 24, 25, 35, and 36.
T. 9 S., R. 19 W.
T. 2 S., R. 20 W., unsurveyed,
Secs. 1, 2, and 3 and secs. 10 thru 15;
Sec. 22, that portion outside the boundary of the Bering Land Bridge National Preserve;
Sec. 23 thru 26;
Secs. 27, 32, and 33, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 34, 35, and 36.
T. 3 S., R. 20 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 and 6, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 7 thru 24 and secs. 26 thru 34.
T. 4 S., R. 20 W., unsurveyed,
Secs. 4 thru 8, secs. 13 and 14, and secs. 22 thru 29;
Sec. 30, excepting U.S. Survey No. 13778;
Secs 31 thru 34.
T. 5 S. R. 20 W., unsurveyed,
Secs. 5 thru 8, secs. 16 thru 20, and secs. 28 thru 34.
T. 6 S., R. 20 W., unsurveyed,
Secs. 5 thru 10, secs. 15 thru 22, and secs. 27 thru 33;
Sec. 34, excepting U.S. Survey No. 9550.
T. 7 S., R. 20 W., unsurveyed,
Secs 3, 4, and 5;
Sec. 6, excepting U.S. Survey No. 13781;
Secs. 7 thru 10 and secs. 16 thru 19;
Secs. 20 and 21, excepting U.S. Survey No. 13780;
Sec. 26, W $\frac{1}{2}$;
Sec. 27, E $\frac{1}{2}$;
Secs. 28 thru 33.
T. 8 S., R. 20 W., unsurveyed,
Secs. 3 thru 10 and secs. 14 thru 17;
Sec. 18, excepting U.S. Survey No. 13785;
Secs. 19 thru 23 and secs. 25 thru 36.
T. 9 S., R. 20 W.,
Secs. 1, 12, 13, and 24;
Tract A.
T. 10 S., R. 20 W.,
That portion of tract A, within secs. 6, 7, 18, and 19, and secs. 29 thru 32.
T. 11 S., R. 20 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
T. 12 S., R. 20 W.,
Sec. 4;
Sec. 5, excepting U.S. Survey No. 13782;
Secs. 6 thru 9 and secs. 16, 17, and 18.
T. 2 S., R. 21 W., unsurveyed,
Secs. 18, 19, 20, 27, 28, and 29, those portions outside of the Bering Land Bridge National Preserve;
Secs. 30 thru 33;
Secs. 34, 35, and 36, those portions outside the boundary of the Bering Land Bridge National Preserve.
T. 3 S., R. 21 W.,
Sec. 1, unsurveyed, that portion outside the boundary of the Bering Land Bridge National Preserve;
Secs. 2 thru 12, unsurveyed;
Sec. 13, unsurveyed, excepting lots 1 and 2, U.S. Survey No. 10284;
Sec. 14, unsurveyed, excepting lot 1, U.S. Survey No. 10284;
Secs. 15 thru 22, unsurveyed;
Sec. 24, unsurveyed, excepting tract 37, and lot 3, U.S. Survey No. 10284 and U.S. Survey No. 13775;
Sec. 25, unsurveyed, secs. 27 thru 34, and sec. 36;
Tract 37.
T. 4 S., R. 21 W., unsurveyed,
Secs. 6, 22, 23, 25, 26, 27, 34, 35, and 36.
T. 5 S., R. 21 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, secs. 21 thru 28, and secs. 33 thru 36.
T. 6 S., R. 21 W., unsurveyed,
Secs. 1 thru 4 and secs. 7 and 8;
Sec. 9, excepting U.S. Survey No. 9715;
Secs. 10 thru 15;
Sec. 16, excepting U.S. Survey No. 9715;
Secs. 17 thru 22;
Secs. 23, 24, and 25, excepting U.S. Survey No. 9714;
Secs. 26 thru 36.
T. 7 S., R. 21 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 13781;
Secs. 2 thru 33;
Secs. 34 and 35, excepting U.S. Survey No. 14002;
Sec. 36.
T. 8 S., R. 21 W., unsurveyed,
Sec. 1;
Secs. 2 and 3, excepting U.S. Survey No. 14002;
Secs. 4 thru 30;
Sec. 31, excepting U.S. Survey No. 10048;
Secs. 32 thru 36.
T. 9 S., R. 21 W.,
Tract A, those portions within secs. 2 thru 5, 8 thru 17, and secs. 20 thru 36.
T. 10 S., R. 21 W.,
Tract A., excepting U.S. Survey No. 13783.
T. 11 S., R. 21 W.,
Secs. 1, 2, and 3;
Sec. 10, lot 1;
Sec. 11;
Secs 12 and 13, excepting U.S. Survey No. 13784.
T. 1 S., R. 22 W., unsurveyed,
Secs 32 and 33, those portions outside the boundary of the Bering Land Bridge National Preserve.
T. 2 S., R. 22 W., unsurveyed,
Secs. 3 thru 6, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 7, 8 and 9;
Secs. 10 thru 13, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 14 thru 36.
T. 3 S., R. 22 W., unsurveyed,
Secs. 1 thru 30 and secs. 32 thru 36.
T. 5 S., R. 22 W., unsurveyed,
Sec. 24, excepting lots 3 and 4, U.S. Survey No. 9706.
T. 6 S., R. 22 W., unsurveyed,
Secs. 7 and 8;
Sec. 9, excepting lot 1, U.S. Survey No. 9934;
Sec. 10, excepting lots 2 and 3, U.S. Survey No. 9931, lots 1 and 2, U.S. Survey No. 9934, and lots 1 thru 3, U.S. Survey No. 9935;
Secs. 11 thru 14;
Sec. 15, excepting lots 1 and 2, U.S. Survey 9930, lots 1 thru 3, U.S. Survey No. 9931, lots 1 thru 3, U.S. Survey No. 9932, lots 1 and 2, U.S. Survey No. 9933, and lot 2, U.S. Survey No. 9934.
Sec. 16, excepting lot 2, U.S. Survey No. 9930 and lot 2, U.S. Survey No. 9932;
Secs. 17, 18, and 19;
Sec. 20, excepting lot 1, U.S. Survey No. 14004;
Sec. 21, excepting lots 1 thru 3, U.S. Survey No. 14004;
Secs. 22 thru 27;
Sec. 28, excepting lots 1 and 2, U.S. Survey No. 14004;
Sec. 29, excepting U.S. Survey No. 13996 and lot 1, U.S. Survey No. 14004;
Secs. 30 thru 36.
T. 7 S., R. 22 W.,
Tract B.
T. 8 S., R. 22 W.,
Tracts A thru E.
T. 9 S., R. 22 W.,
Secs. 4 and 9;
Tract B.
T. 12 S., R. 22 W.,
Secs. 6, 7, 18, 19, and 30.
T. 1 S., R. 23 W., unsurveyed,

- Sec. 33, that portion outside the boundary of the Bering Land Bridge National Preserve.
- T. 2 S., R. 23 W., unsurveyed,
Secs. 1 thru 6, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 7, 8, and 9;
Secs. 10 and 11, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 12 thru 36.
- T. 3 S., R. 23 W., unsurveyed,
Secs. 1 thru 33.
- T. 4 S., R. 23 W., unsurveyed,
Secs. 5 and 6.
- T. 5 S., R. 23 W., unsurveyed,
Secs. 31 thru 34.
- T. 6 S., R. 23 W.,
That portion of tract A, within secs. 2 thru 17, and 19 thru 36.
- T. 7 S., R. 23 W.,
Sec. 1, excepting U.S. Survey No. 13861;
Secs. 2 thru 10, sec. 13, secs. 16 thru 20, secs. 23 thru 26, and secs. 35 and 36.
- T. 8 S., R. 23 W.,
Secs. 1 and 2, secs. 11 thru 14, and sec. 25.
- T. 11 S., R. 23 W.,
Secs. 17 thru 20 and secs. 27, 28, and 29;
Secs. 34 and 35.
- T. 1 S., R. 24 W., unsurveyed,
Secs. 34 and 36, that portion outside the boundary of the Bering Land Bridge National Preserve.
- T. 2 S., R. 24 W., unsurveyed,
Secs. 1, 2, 3, 9, and 10, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 11 thru 15;
Secs. 16, 17, 19, and 20, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 21 thru 29;
Sec. 30, that portion outside the boundary of the Bering Land Bridge National Preserve;
Secs. 31 thru 36.
- T. 3 S., R. 24 W., unsurveyed.
- T. 4 S., R. 24 W., unsurveyed,
Secs. 1 thru 22 and secs. 27 thru 33.
- T. 5 S., R. 24 W.,
Secs. 19, 20, 29, and 30, and secs. 33 thru 36, unsurveyed;
Tract A.
- T. 6 S., R. 24 W.,
Secs. 1 thru 6, sec. 12, secs. 21 thru 28, and secs. 33 thru 36.
- T. 7 S., R. 24 W.,
Secs. 4, 9, 22, 23, and 24;
Tract U.
- T. 8 S., R. 24 W.,
Tract D.
- T. 10 S., R. 24 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
- T. 2 S., R. 25 W., unsurveyed,
Secs. 19, 25, 30, 31, 32, 35, and 36, those portions outside the boundary of the Bering Land Bridge National Preserve.
- T. 3 S., R. 25 W. unsurveyed,
Sec. 1;
Secs. 2, 3, and 5, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 6 and 7;
- Secs. 8, 9, and 10, those portions outside the boundary of the Bering Land Bridge National Preserve;
- Secs. 11 thru 16;
- Sec. 17, that portion outside the boundary of the Bering Land Bridge National Preserve;
- Secs. 18 thru 36.
- T. 4 S., R. 25 W., unsurveyed.
- T. 6 S., R. 25 W.,
Sec. 22;
Tracts D, E, F, P thru U, X, and Y;
That portion of tract Z, within secs. 16, 21, and 33;
Tract B1.
- T. 9 S., R. 25 W.,
Sec. 1, lot 2;
Secs. 2 and 3 and secs. 7 thru 24.
- T. 10 S., R. 25 W.,
Secs. 1 thru 4, secs. 10 thru 15, secs. 22 thru 26, and secs. 35 and 36.
- T. 1 S., R. 26 W., unsurveyed,
Secs. 7, 17 and 18, those portions outside the boundary of the Bering Land Bridge National Preserve;
Sec. 19,
Secs. 20, 21, 27, and 28, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 29 thru 33;
Secs. 34 and 35, those portions outside the boundary of the Bering Land Bridge National Preserve.
- T. 2 S., R. 26 W., unsurveyed,
Sec. 2, that portion outside the boundary of the Bering Land Bridge National Preserve;
Secs. 3 thru 10;
Secs. 11, 12, and 13, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 14 thru 23;
Sec. 24, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 25 thru 36.
- T. 3 S., R. 26 W., unsurveyed.
- T. 4 S., R. 26 W., unsurveyed,
Secs. 1 thru 5;
Sec. 6, excepting U.S. Survey No. 13788;
Secs. 7 thru 36.
- T. 5 S., R. 26 W., unsurveyed.
- T. 1 S., R. 27 W., unsurveyed,
Secs. 1, 2 and 3, those portions outside the boundary of the Bering Land Bridge National Preserve;
Secs. 4 thru 11;
Sec. 12, that portion outside the boundary of the Bering Land Bridge National Preserve;
Secs. 13 thru 36.
- Tps. 2, 3, and 4 S., R. 27 W., unsurveyed.
- Tps. 1 thru 4 S., R. 28 W., unsurveyed.
- T. 2 S., R. 29 W.,
Secs. 1, 2, and 3 and secs. 10 thru 14, unsurveyed;
Sec. 15, unsurveyed, excepting U.S. Survey No. 11133;
Sec. 21, unsurveyed, excepting M.S. 1144;
Secs. 22 thru 26, unsurveyed;
Sec. 27, unsurveyed, excepting M.S. 1144;
Secs. 31 thru 34, unsurveyed;
Secs. 35 and 36, unsurveyed, excepting U.S. Survey No. 14169;
Tracts F and G.
- T. 4 S., R. 29 W., unsurveyed,
- Secs. 1 thru 18, secs. 21 thru 28, and secs. 33 thru 36.
- T. 4 S., R. 30 W.,
That portion of tract E, within secs. 7 thru 9, secs. 15 thru 22, and sec. 28;
Tracts F, G, and H;
That portion of tract X, within sec. 28;
Tracts Y and Z;
That portion of tract GG, within sec. 28.
- T. 5 S., R. 30 W.,
Tract A.
- T. 1 S., R. 31 W., unsurveyed,
Secs. 1 thru 7;
Sec. 8, excepting lot 1, U.S. Survey No. 11602;
Secs. 9 thru 18;
Sec. 19, excepting lot 2, U.S. Survey No. 11602;
Secs. 20 thru 36.
- T. 2 S., R. 31 W., unsurveyed.
- T. 3 S., R. 31 W.,
Tracts A, B, and C.
- T. 5 S., R. 31 W.,
Secs. 19 thru 36, unsurveyed;
Tract B, excepting U.S. Survey No. 13910; U.S. Survey No. 13910.
- T. 6 S., R. 31 W., unsurveyed,
Secs. 5 and 6.
- T. 7 S., R. 31 W.,
lot 23, U.S. Survey No. 4212;
U.S. Survey No. 13719.
- T. 9 S., R. 31 W., unsurveyed,
Sec. 6, excepting U.S. Survey No. 11462;
Secs. 7, 17, and 18.
- T. 10 S., R. 31 W.,
Sec. 32.
Tps. 1 and 2 S., R. 32 W., unsurveyed.
- T. 3 S., R. 32 W.,
Tract E.
- T. 4 S., R. 32 W.,
Sec. 19;
Sec. 27, excepting U.S. Survey No. 13917;
Sec. 28;
Sec. 29, lot 2;
That portion of tract JJ, within Sec. 35;
Tracts KK thru MM.
- T. 5 S., R. 32 W., unsurveyed.
- T. 6 S., R. 32 W., unsurveyed,
Secs. 1, 2, and 3;
Sec. 4, excluding that portion within Power Site Classification No. 726;
Secs. 5 thru 21.
- T. 1 S., R. 33 W., unsurveyed.
- T. 2 S., R. 33 W., unsurveyed,
Secs. 1 thru 21;
Sec. 22, excepting U.S. Survey No. 11603;
Secs. 23 thru 36;
Lot 2, U.S. Survey No. 11603.
- T. 3 S., R. 33 W.,
Tract V.
- T. 4 S., R. 33 W.,
Tract R;
That portion of tract DD, within sec. 27;
Tract EE.
- T. 5 S., R. 33 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 15, secs. 22 thru 28, and secs. 33 thru 36.
- T. 1 S., R. 34 W., unsurveyed,
Secs. 1 thru 32, and secs. 34, 35, and 36.
- T. 2 S., R. 34 W., unsurveyed,
Secs. 1, 2, 3, 5, and 6, secs. 10 thru 16, secs. 20 thru 29, and secs. 31 thru 36.
- T. 3 S., R. 34 W., unsurveyed,
Secs. 1 thru 6, secs. 8 thru 14;
Sec. 15, excepting U.S. Survey Nos. 11194 and 11604;

- Secs. 16, 23, 24 and 26.
T. 6 S., R. 34 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 22, and secs.
27 thru 34.
T. 7 S., R. 34 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 20, and sec.
30.
T. 1 S., R. 35 W., unsurveyed,
Secs. 1 and 2, excepting U.S. Survey No.
11198;
Secs. 3 thru 29, and secs. 32 thru 36.
T. 2 S., R. 35 W., unsurveyed,
Secs. 1 thru 5, secs. 8 thru 17, secs. 20, 21,
22, 28, 29, 31, 32, and 33.
T. 3 S., R. 35 W.,
Secs. 3 thru 10;
Sec. 11, excepting lot 2, U.S. Survey No.
14175;
Secs. 13 thru 30.
T. 5 S., R. 35 W., unsurveyed,
Sec. 7, secs. 16 thru 23, and secs. 29, 30,
and 31.
T. 6 S., R. 35 W., unsurveyed,
Sec. 1 and secs. 10 thru 36.
T. 7 S., R. 35 W., unsurveyed,
Secs. 1 thru 10, secs. 12 and 13, secs. 15
thru 22, secs. 24 and 25, and secs. 27
thru 33.
T. 1 S., R. 36 W., unsurveyed,
Secs. 1, 6, 12, and 13.
T. 2 S., R. 36 W.,
Sec. 10;
Sec. 15, lot 1;
That portion of tract A, within secs. 7, 8,
11, and 12;
Tracts B and D.
T. 3 S., R. 36 W.,
Sec. 13.
T. 4 S., R. 36 W.,
Tracts C and E.
T. 5 S., R. 36 W., unsurveyed,
Secs. 2, 3, 4, and 6, secs. 9 thru 17, secs.
20 thru 28, and secs. 34, 35, and 36.
T. 6 S., R. 36 W., unsurveyed,
Sec. 3 and secs. 23 thru 36.
T. 7 S., R. 36 W., unsurveyed.
T. 8 S., R. 36 W., unsurveyed,
Secs. 6, 7, and 8.
T. 9 S., R. 36 W.,
Secs. 19 and 20 and secs. 29 thru 32.
T. 10 S., R. 36 W., unsurveyed,
Secs. 5 and 6.
T. 1 S., R. 37 W., unsurveyed,
Secs. 1 thru 19 and secs. 21, 22, 23, and
30.
T. 5 S., R. 37 W.,
Sec. 1;
Sec. 2, lot 1.
T. 6 S., R. 37 W.,
That portion of tract A, within secs. 25, 26,
27, 34, 35, and 36.
T. 7 S., R. 37 W.,
Tracts B thru G;
That portion of tract H within secs. 1, 2,
3, secs. 10 thru 15, secs. 22 thru 28, and
secs. 33 thru 36.
T. 1 S., R. 38 W.,
Sec. 29;
Tract A.
T. 4 S., R. 38 W.,
Sec. 31;
That portion of tract A, within secs. 1 and
2, 11 thru 14, 21 thru 24, 27, 28, 33, and
34.
T. 5 S., R. 38 W.,
That portion of tract B, within secs. 19 and
20;
That portion of tract D, within secs. 31, 32,
and 33.
T. 6 S., R. 38 W.,
Secs. 4 thru 10, secs. 15 thru 18, and secs.
20, 21, 22, and 29.
T. 4 S., R. 39 W.,
Secs. 35 and 36.
T. 5 S., R. 39 W.,
That portion of tract D, within secs. 4, 5,
8, and 17;
That portion of tract E, within secs. 1, 2,
and 3, secs. 9 thru 16, and secs. 20 thru
36.
T. 6 S., R. 39 W.,
Secs. 1 thru 5;
Sec. 9, lot 1;
Secs. 10, 11 and 12.
Umiat Meridian, Alaska
T. 4 S., R. 43 W.,
Secs. 7 thru 12.
T. 9 S., R. 43 W.,
Sec. 1, that portion outside the boundary
of the National Petroleum Reserve,
Alaska;
Secs. 4 thru 11;
Secs. 12 and 13, those portions outside the
boundary of the National Petroleum
Reserve, Alaska;
Secs. 14 thru 23;
Secs. 24 and 25, those portions outside the
boundary of the National Petroleum
Reserve, Alaska;
Secs. 26 thru 35;
Sec. 36, that portion outside the boundary
of the National Petroleum Reserve,
Alaska.
T. 10 S., R. 43 W.,
Sec. 1, that portion outside the boundary
of the National Petroleum Reserve,
Alaska;
Secs. 2, 3, 10, and 11;
Secs. 12 and 13, those portions outside the
boundary of the National Petroleum
Reserve, Alaska;
Secs. 14 thru 17 and secs. 19 thru 23;
Secs. 24 and 25, those portions outside the
boundary of the National Petroleum
Reserve, Alaska;
Secs. 26 thru 35;
Sec. 36, that portion outside the boundary
of the National Petroleum Reserve,
Alaska.
T. 11 S., R. 43 W.,
Sec. 1, lots 1 and 2;
Sec. 2, that portion outside the boundary
of the Noatak National Preserve;
Secs. 3 thru 6;
Sec. 7, that portion outside the boundary
of the Noatak National Preserve;
Secs. 8 thru 11;
Secs. 12 and 13, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 14, 15, and 16;
Secs. 17 and 18, secs. 20 thru 24, and sec.
27, those portions outside the boundary
of the Noatak National Preserve;
Sec. 28, lots 1 and 2.
T. 4 S., R. 44 W.,
Secs. 19 and 20, and secs. 29 thru 32.
T. 9 S., R. 44 W.,
Secs. 19 thru 36.
T. 10 S., R. 44 W.,
Secs. 2 thru 10, secs. 24 and 25, and secs.
31 thru 36.
T. 11 S., R. 44 W.,
Secs. 1 thru 6;
Secs. 7 thru 14 and secs. 17 and 18, those
portions outside the boundary of the
Noatak National Preserve.
T. 6 S., R. 45 W.,
Secs. 4.
T. 9 S., R. 45 W.,
Secs. 19 thru 36.
T. 10 S., R. 45 W.,
Secs. 1 thru 24, secs. 29 thru 32, and secs.
35 and 36.
T. 11 S., R. 45 W.,
Secs. 1 thru 12;
Secs. 13, that portion outside the boundary
of the Noatak National Preserve;
Secs. 14 thru 22;
Secs. 23, 24, 26, 27, and 28, those portions
outside the boundary of the Noatak
National Preserve;
Secs. 29 thru 32;
Secs. 33, that portion outside the boundary
of the Noatak National Preserve.
T. 12 S., R. 45 W.,
Secs. 4 and 5, those portions outside the
boundary of the Noatak National
Preserve;
Secs. 6;
Secs. 7, 8, 16, 17, and 18, those portions
outside the boundary of the Noatak
National Preserve.
T. 6 S., R. 46 W.,
Secs. 12 thru 15.
T. 9 S., R. 46 W.,
Secs. 19 thru 36.
T. 10 S., R. 46 W.
T. 11 S., R. 46 W.,
Secs. 1 thru 12, secs. 15 thru 20, and secs.
35 and 36.
T. 12 S., R. 46 W.,
Secs. 1, 2, and 3;
Secs. 12, 13, 14, 22, and 23, those portions
outside the boundary of the Noatak
National Preserve.
T. 10 S., R. 47 W.,
Secs. 19 thru 36.
T. 11 S., R. 47 W.
T. 12 S., R. 47 W.,
Secs. 3 thru 10 and secs. 13 thru 18.
T. 9 S., R. 48 W.,
Secs. 13 thru 36.
T. 10 S., R. 48 W.,
Secs. 3 thru 10, secs. 15 thru 30, and secs.
32 thru 36.
T. 11 S., R. 48 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 18
and 19, secs. 23 thru 26, and secs. 29
thru 32;
Secs. 35 and 36.
T. 12 S., R. 48 W.,
Secs. 1, 5, 6, 12, and 13.
T. 9 S., R. 49 W.,
Secs. 13 and 14, secs. 23 thru 26, secs. 29
thru 32, and secs. 35 and 36.
T. 10 S., R. 49 W.,
Secs. 1 and 2, secs. 5 thru 8, secs. 11 thru
14, secs. 17 thru 20, secs. 24 and 25, and
secs. 28 thru 32.
T. 11 S., R. 49 W.,
Secs. 5 thru 8, secs. 17, 18, and 19, and
secs. 35 and 36.
T. 12 S., R. 49 W.,
Secs. 1.
T. 7 S., R. 50 W.
T. 9 S., R. 50 W.,
Secs. 25, 26, and 27 and secs. 31 thru 36.
T. 10 S., R. 50 W.

- T. 11 S., R. 50 W.,
Secs. 1 thru 24 and secs. 26 thru 33.
- T. 12 S., R. 50 W.,
Secs. 6 and secs. 25 thru 27.
- Tps. 10 and 11 S., R. 51 W.
- T. 12 S., R. 51 W.,
Secs. 1 thru 6, secs. 9 thru 12, and secs. 14, 15, 29, and 30.
- Tps. 10 thru 12 S., Rs. 52 thru 55 W.
Tps. 11 and 12 S., R. 56 W.
- T. 10 S., R. 57 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
- T. 7 S., R. 58 W., unsurveyed,
Secs. 16 thru 21 and secs. 28 thru 33.
- T. 8 S., R. 58 W., unsurveyed,
Secs. 4 thru 9 and secs. 16 thru 36.
- Tps. 9 and 10 S., R. 58 W., unsurveyed.
- T. 11 S., R. 58 W.,
Secs. 25 and secs. 33 thru 36.
- T. 12 S., R. 58 W.,
Tract A.
- T. 9 S., R. 61 W.,
Secs. 36, unsurveyed, that portion outside the boundary of the Alaska Maritime National Wildlife Refuge.
- T. 10 S., R. 61 W., unsurveyed,
Secs. 1 and 2, those portions outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 11 thru 14 and secs. 23 thru 26;
Secs. 35, that portion outside the boundary of the Alaska Maritime National Wildlife Refuge;
Secs. 36.
- T. 11 S., R. 61 W., unsurveyed,
Secs. 1 and 2 and secs. 11 thru 14.
The areas described aggregate approximately 9,548,309 acres.
- Ring of Fire RMP**
- Seward Meridian, Alaska**
- T. 15 N., R. 1 E.,
Secs. 20, that portion formerly within application A-053472 excluded from the Tentative Approval for A-061180 dated May 6, 1965.
- T. 16 N., R. 1 E.,
Secs. 2, lot 10;
Secs. 3, lots 2 thru 6, lot 8, NW¹/₄NE¹/₄, and NW¹/₄;
Secs. 4 thru 9;
Secs. 10, lots 1, 2, and 3;
Secs. 11, lot 10, lot 11, that portion lying west of lot 6, U.S. Survey No. 9023, and lot 13.
Secs. 21, SE¹/₄SW¹/₄ and S¹/₂SE¹/₄;
Secs. 22, S¹/₂SW¹/₄ and S¹/₂SE¹/₄;
Secs. 23, S¹/₂SW¹/₄ and S¹/₂SE¹/₄;
Secs. 24, S¹/₂SW¹/₄ and S¹/₂SE¹/₄;
Secs. 25;
Secs. 26, N¹/₂, N¹/₂SW¹/₄, N¹/₂SW¹/₄SW¹/₄, SE¹/₄SW¹/₄, and SE¹/₄;
Secs. 27, lots 6, 7, and 9, N¹/₂NE¹/₄, NE¹/₄SW¹/₄NE¹/₄, SE¹/₄NE¹/₄, N¹/₂NE¹/₄NE¹/₄NW¹/₄, N¹/₂NW¹/₄NE¹/₄NW¹/₄, and N¹/₂NE¹/₄NW¹/₄NW¹/₄;
Secs. 31;
Secs. 32, SW¹/₄NW¹/₄ and S¹/₂;
Secs. 33, S¹/₂SW¹/₄ and S¹/₂SE¹/₄;
Secs. 35, lot 1;
Secs. 36, N¹/₂, N¹/₂SW¹/₄, SE¹/₄SW¹/₄, and SE¹/₄.
- T. 17 N., R. 1 E.,
Lots 5 and 6, Block 6, and Blocks 22, 27, and 36, U.S. Survey No. 1169.
- T. 18 N., R. 1 E.,
Secs. 16, lot 4;
Secs. 33, lot 11.
- T. 15 N., R. 2 E.,
Secs. 1 thru 4;
Secs. 6, lots 1 thru 4, lot 7, S¹/₂NE¹/₄, N¹/₂SE¹/₄NW¹/₄, N¹/₂SW¹/₄SE¹/₄NW¹/₄, N¹/₂SE¹/₄SE¹/₄NW¹/₄, S SE¹/₄SW¹/₄, NE¹/₄NE¹/₄SE¹/₄, and N¹/₂NW¹/₄NE¹/₄SE¹/₄;
Secs. 7, NE¹/₄NE¹/₄, W¹/₂NE¹/₄, W¹/₂, W¹/₂SE¹/₄, and SE¹/₄SE¹/₄;
Secs. 9, lot 7;
Secs. 10, N¹/₂, NE¹/₄SW¹/₄, and SE¹/₄;
Secs. 11 and 12;
Secs. 13, N¹/₂, N¹/₂SW¹/₄, SE¹/₄SW¹/₄, and SE¹/₄;
Secs. 14, N¹/₂NE¹/₄, SE¹/₄NE¹/₄, and N¹/₂NW¹/₄;
Secs. 15, NE¹/₄NE¹/₄;
Secs. 16, lot 4;
Secs. 17, lot 2;
Secs. 18 thru 21;
Secs. 22, S¹/₂NE¹/₄, W¹/₂, and SE¹/₄;
Secs. 23, W¹/₂SW¹/₄ and SE¹/₄SW¹/₄;
Secs. 24, NE¹/₄, N¹/₂SE¹/₄, and SE¹/₄SE¹/₄;
Secs. 26, lot 4, SW¹/₄NE¹/₄, and W¹/₂;
Secs. 27 thru 35;
Secs. 36, W¹/₂SW¹/₄.
- T. 16 N., R. 2 E.,
Secs. 2, lot 10, that portion within community grant application AA-56321;
Secs. 8, lot 9, those portions within community grant application AA-56321;
Secs. 9, lot 5, those portions within community grant application AA-56321;
Secs. 10, lot 3, those portions within community grant application AA-56321;
Secs. 11, lot 1, those portions within community grant application AA-56321;
Secs. 16, lot 1, that portion within community grant application AA-56321;
Secs. 17, lot 1, those portions within community grant application AA-56321;
Lots 1 and 2, U.S. Survey No. 3242A; U.S. Survey No. 5554.
- T. 17 N., R. 2 E.,
Secs. 14, SE¹/₄SE¹/₄SW¹/₄NE¹/₄;
Secs. 23, lots 1 and 6, and N¹/₂SW¹/₄NE¹/₄NE¹/₄;
Secs. 26, lots 31 and 33, and lots 35 thru 39.
- T. 18 N., R. 2 E.,
Block 9 the School Reserve, lot 1, Block 13 the Municipal Reserve, and Block 16 the Park Reserve, U.S. Survey No. 1152, Moose Townsite.
- T. 16 N., R. 4 E.,
Secs. 1 thru 14;
Secs. 15, lots 1 thru 5, and lot 11, N¹/₂NE¹/₄;
Secs. 16, lots 1 thru 4;
Secs. 17, lots 1, 2, and 3;
Secs. 20, lots 6 and 7;
Secs. 22, lots 1, 8, 9, and 18;
Secs. 23, 24, and 25;
Secs. 26, lots 1, 3, 4, and 8, NE¹/₄, E¹/₂NW¹/₄, SE¹/₄;
Secs. 27, lot 4;
Secs. 29, E¹/₂SW¹/₄NW¹/₄, N¹/₂NW¹/₄SW¹/₄NW¹/₄, SE¹/₄NW¹/₄SW¹/₄NW¹/₄, E¹/₂SW¹/₄SW¹/₄NW¹/₄;
Secs. 30, W¹/₂NE¹/₄SW¹/₄SE¹/₄;
Secs. 31, SW¹/₄NE¹/₄SE¹/₄NW¹/₄, W¹/₂NE¹/₄SW¹/₄, W¹/₂SE¹/₄SW¹/₄;
- Secs. 33, lot 9;
Secs. 35, lots 1, 2, 3, 6, 7, 8, and 12, E¹/₂SE¹/₄;
Secs. 36.
- T. 17 N., R. 4 E.
- T. 19 N., R. 4 E.,
Secs. 12, lot 7.
- T. 19 N., R. 5 E.,
Secs. 2, that portion lying within the Matanuska River, unsurveyed;
Secs. 3, lots 32 and 33;
Secs. 7, lot 43;
Secs. 8, lot 16.
- T. 22 N., R. 5 E.,
Tract A, that portion within sec. 28.
- T. 12 N., R. 6 E., unsurveyed,
Secs. 1, that portion lying outside the boundary of the Chugach National Forest;
Secs. 2 thru 11;
Secs. 12, 13, and 14, those portions lying outside the boundary of the Chugach National Forest;
Secs. 15 thru 22;
Secs. 23, 26, and 27, those portions lying outside the boundary of the Chugach National Forest;
Secs. 28 and 29;
Secs. 30 thru 34, those portions lying outside the boundary of the Chugach National Forest.
- T. 20 N., R. 6 E.,
Secs. 23, lot 28;
Secs. 24, N¹/₂SW¹/₄SW¹/₄SE¹/₄SW¹/₄ and N¹/₂SE¹/₄SW¹/₄SE¹/₄SW¹/₄;
Secs. 28, 29, 31, 32, and 33, those portions lying within the Matanuska River, unsurveyed;
Tract A, that portion within secs. 25, 26, and 27.
- T. 22 N., R. 6 E.,
Secs. 24 and 25.
- T. 12 N., R. 7 E., unsurveyed,
Secs. 4, 5, and 6, those portions lying outside the boundary of the Chugach National Forest.
- T. 13 N., R. 7 E., unsurveyed,
Secs. 1 thru 21;
Secs. 22, 23, 24, 26 and 27, those portions lying outside the boundary of the Chugach National Forest;
Secs. 28, 29, and 30;
Secs. 31 thru 34, those portions lying outside the boundary of the Chugach National Forest.
- T. 13 N., R. 8 E., unsurveyed,
Secs. 3 and 4, those portions lying outside the boundary of the Chugach National Forest;
Secs. 5, 6, and 7;
Secs. 8, 9, 17, 18, and 19, those portions lying outside the boundary of the Chugach National Forest.
- T. 14 N., R. 8 E., unsurveyed,
Secs. 1 thru 22;
Secs. 23, 24, 26, and 27, those portions lying outside the boundary of the Chugach National Forest;
Secs. 28 thru 33;
Secs. 34, that portion lying outside the boundary of the Chugach National Forest.
- T. 14 N., R. 9 E., unsurveyed,
Secs. 4, that portion lying outside the boundary of the Chugach National Forest;

- Secs. 5 thru 8;
Secs. 9 and secs. 16 thru 19, those portions lying outside the boundary of the Chugach National Forest.
- T. 15 N., R. 9 E., unsurveyed,
Secs. 1 and 2, those portions lying outside the boundary of the Chugach National Forest;
Secs. 3 thru 10;
Secs. 11, 14, and 15, those portions lying outside the boundary of the Chugach National Forest;
Secs. 16 thru 21;
Secs. 22 and 27, those portions lying outside the boundary of the Chugach National Forest;
Secs. 28 thru 32;
Secs. 33, that portion lying outside the boundary of the Chugach National Forest.
- T. 20 N., R. 9 E.,
Secs. 5, that portion within regional selection application AA-11153-31, unsurveyed;
Secs. 19, lots 3 and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Secs. 23, lots 28, 29, and 30, W $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Secs. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Secs. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Secs. 30, lots 1 and 2;
Secs. 35, lot 5.
- T. 10 N., R. 1 W.,
U.S. Survey No. 3200B.
- T. 16 N., R. 1 W.,
Secs. 1;
Secs. 2, lots 5 thru 8;
Secs. 3, lot 5;
Secs. 10 and 11;
Secs. 12, lots 1 thru 4.
- T. 17 N., R. 1 W.,
School Reserve, Block 3, U.S. Survey No. 1175.
- T. 18 N., R. 1 W.,
Secs. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 22 N., R. 2 W.,
Tract A, excepting U.S. Survey No. 14489;
Tract B, that portion within secs. 1 thru 5, secs. 7 thru 12, and secs. 16, 17, and 18;
Tracts C thru K.
- T. 15 N., R. 3 W.,
Secs. 16.
- T. 16 N., R. 3 W.,
Secs. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 14 N., R. 4 W.,
Secs. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 23 N., R. 4 W.,
Secs. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 24 N., R. 4 W.,
Secs. 6, lots 1 and 2, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting U.S. Survey No. 9035;
Secs. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$, excepting U.S. Survey No. 9035;
Secs. 31, lot 9 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting U.S. Survey No. 9035.
- T. 26 N., R. 4 W.,
Secs. 31, lots 2 and 3, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 24 N., R. 5 W.,
Secs. 23, lot 4;
Secs. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
- T. 17 N., R. 7 W.,
U.S. Survey No. 938;
Lots 7, 8, 10, and 14, lots 20 thru 23, lots 26 thru 30, and lots 33, 34, and 35, U.S. Survey No. 3633.
- T. 2 N., R. 11 W.,
Secs. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 3 N., R. 11 W.,
Secs. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Lot 2, Block 12, Block 15, and Block 16,
U.S. Survey No. 3564.
- T. 7 N., R. 11 W.,
Secs. 21, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 11 N., R. 12 W.,
Lot 4, U.S. Survey No. 4549.
- T. 14 N., R. 15 W.,
Tract C;
U.S. Survey No. 13288.
- T. 10 N., R. 16 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33, unsurveyed.
- T. 12 N., R. 16 W., unsurveyed.
- T. 13 N., R. 16 W.,
U.S. Survey No. 13287.
- Tps. 10, 11, and 12 N., R. 17 W., unsurveyed.
- T. 3 N., R. 18 W.,
Secs. 7, 18, 19, and 20.
- T. 4 N., R. 18 W.,
Secs. 5 thru 8 and secs. 18 and 19, unsurveyed.
- T. 5 N., R. 18 W., unsurveyed
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
- Tps. 10, 11, and 12 N., R. 18 W., unsurveyed.
- T. 3 N., R. 19 W.,
Secs. 1, 12, and 13, unsurveyed;
Secs. 24, N $\frac{1}{2}$, unsurveyed.
- T. 4 N., R. 19 W.,
Secs. 1, 12, 13, 24, and 36, unsurveyed.
- Tps. 10, 11, and 12 N., R. 19 W., unsurveyed.
- Tps. 14, 15, and 16 N., R. 19 W., unsurveyed.
- T. 10 N., R. 20 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22 thru 26, and sec. 36.
- T. 11 N., R. 20 W., unsurveyed,
Secs. 1 thru 27, secs. 29, 30, 34, 35, and 36.
- T. 12 N., R. 20 W., unsurveyed,
Secs. 1 thru 4;
Secs. 5 thru 8, excepting those portions within Power Site Classification No. 395;
Secs. 9 thru 36.
- Tps. 14, 15, and 16 N., R. 20 W., unsurveyed.
- T. 6 S., R. 13 W.,
Secs. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 8 S., R. 13 W.,
Lot 3, U.S. Survey No. 4740;
Lot 6, U.S. Survey No. 4750.
- T. 10 S., R. 15 W.,
Secs. 11, lot 6.
- T. 4 S., R. 23 W.,
Secs. 10 and 11.
- T. 3 S., R. 24 W., unsurveyed,
Secs. 17, 26, 27, and 28, those portions lying outside the boundary of the Lake Clark National Park and Wilderness;
Secs. 29 thru 33;
Secs. 34, that portion lying outside the boundary of the Lake Clark National Park and Wilderness.
- T. 4 S., R. 24 W.,
Secs. 5, 6, and 7, unsurveyed.
- T. 3 S., R. 25 W., unsurveyed,
Secs. 1, 2, 11, and 12, those portions lying outside the Lake Clark National Park and Wilderness;
Secs. 35 and 36.
- T. 33 S., R. 25 W.,
Secs. 1, lot 1;
Secs. 12, lot 2.
- T. 37 S., R., 59 W.,
Secs. 13, lot 1, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
- T. 48 S., R. 72 W.,
Tract A, those lands within secs. 19, 20, 30, 32, 33, and 34 previously excluded from the Tentative Approval for AA-5363 dated September 28, 1979, lying outside the boundary of the Alaska Maritime National Wildlife Refuge.
- T. 51 S., R. 83 W.,
Secs. 24 thru 27 and secs. 34, 35, and 36.
- T. 51 S., R. 84 W.,
Tract A.
- T. 52 S., R. 85 W.,
Tract A.

Copper River Meridian, Alaska

- T. 26 S., R. 54 E., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, and secs. 23, 24, and 25.
- T. 28 S., R. 54 E., partly unsurveyed,
Secs. 21, lot 1.
- T. 31 S., R. 54 E., unsurveyed,
Secs. 1, that portion lying outside the boundary of Glacier Bay National Park.
- T. 25 S., R. 55 E., unsurveyed.
- T. 26 S., R. 55 E., unsurveyed,
Secs. 2 thru 10 and secs. 16 thru 21;
U.S. Survey No. 3743.
- T. 28 S., R. 55 E., partly unsurveyed,
Secs. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 25, lots 12, 15, and 17;
Secs. 27, lots 13 thru 22.
- T. 31 S., R. 55 E., unsurveyed,
Secs. 1 thru 6, secs. 8 thru 12, and secs. 15 and 16, those portions lying outside the boundary of Glacier Bay National Park.
- T. 25 S., R. 56 E., unsurveyed,
Secs. 13 and 14 and secs. 21 thru 34;
Secs. 35, excepting U.S. Survey No. 13752;
Secs. 36.
- T. 26 S., R. 56 E., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 15, secs. 22 thru 27, and secs. 33 thru 36.
- T. 27 S., R. 56 E., unsurveyed,
Secs. 1 thru 4, secs. 8 thru 30, and secs. 32 thru 36.
- T. 28 S., R. 56 E., partly unsurveyed,
Secs. 1 thru 4, secs. 10 thru 14, and secs. 24 and 25;
Secs. 31, lots 1 and 10;
Secs. 35 and 36.
- T. 30 S., R. 56 E., unsurveyed,
Lot 1, U.S. Survey No. 4850.
- T. 31 S., R. 56 E., unsurveyed,
Secs. 1 thru 6;
Secs. 7, that portion lying outside the boundary of Glacier Bay National Park;
Secs. 8 thru 12;
Secs. 13 thru 18, those portions lying outside the boundary of Glacier Bay National Park.
- T. 42 S., R. 56 E., unsurveyed,

- U.S. Survey No. 2845.
Tps. 24 thru 27 S., R. 57 E., unsurveyed.
T. 31 S., R. 57 E., unsurveyed,
Secs. 1 thru 18;
Secs. 19, that portion lying outside the boundary of Glacier Bay National Park;
Secs. 20 thru 28;
Secs. 29 and 30 and secs. 32 thru 36, those portions lying outside the boundary of Glacier Bay National Park.
T. 32 S., R. 57 E., unsurveyed,
Secs. 1, 2, and 12, those portions lying outside the boundary of Glacier Bay National Park.
Tps. 24 and 25 S., R. 58 E., unsurveyed.
T. 26 S., R. 58 E., unsurveyed,
Secs. 1 thru 32;
Secs. 33 thru 36, excepting lot 8, U.S. Survey No. 5110.
T. 27 S., R. 58 E., unsurveyed,
Secs. 1 and 3, excepting lot 8, U.S. Survey No. 5110;
Secs. 4 thru 9;
Secs. 10, 11, 13, and 14, excepting lot 8, U.S. Survey No. 5110;
Secs. 15 thru 23;
Secs. 24 and 25, excepting lot 8, U.S. Survey No. 5110;
Secs. 26 thru 36.
T. 32 S., R. 58 E., unsurveyed,
Secs. 1 thru 6;
Secs. 7, that portion lying outside the boundary of Glacier Bay National Park;
Secs. 8 thru 17;
Secs. 18 and 19, those portions lying outside the boundary of Glacier Bay National Park;
Secs. 20 thru 29;
Secs. 30 and 31, those portions lying outside the boundary of Glacier Bay National Park;
Secs. 32 thru 36.
T. 33 S., R. 58 E., unsurveyed,
Secs. 1, 2, 11, 12, and 13, those portions lying outside the boundary of Glacier Bay National Park.
T. 25 S., R. 59 E., unsurveyed,
Secs. 2 thru 23;
Secs. 24, 25, and 26, excepting lot 8, U.S. Survey No. 5110;
Secs. 27 thru 33;
Secs. 34 and 35, excepting lot 8, U.S. Survey No. 5110.
T. 26 S., R. 59 E., unsurveyed,
Secs. 3, excepting lot 8, U.S. Survey No. 5110;
Secs. 4 thru 9;
Secs. 10, 15, and 16, excepting lot 8, U.S. Survey No. 5110;
Secs. 17 thru 20;
Secs. 21 and 28, excepting lot 8, U.S. Survey No. 5110;
Secs. 29, 30, and 31;
Secs. 32 and 33, excepting lot 8, U.S. Survey No. 5110.
T. 27 S., R. 59 E., unsurveyed,
Secs. 5, 6, 30, and 31, excepting lot 8, U.S. Survey No. 5110;
U.S. Survey No. 5106C;
Lot 3, U.S. Survey No. 5109.
T. 28 S., R. 59 E., unsurveyed,
Secs. 3, excepting U.S. Survey Nos. 3308, 3309, 3342, and lot 8, U.S. Survey No. 5110;
Secs. 4, 5, and 6, excepting lot 8, U.S. Survey No. 5110;
Secs. 7, 8, and 9;
Secs. 10, excepting lot 8, U.S. Survey No. 5110;
Secs. 15 and 16, excepting U.S. Survey No. 1560;
Secs. 17 thru 20;
Secs. 21 and 22, excepting U.S. Survey No. 1560;
Secs. 28 thru 33;
Lots 42 and 43, tract E, U.S. Survey No. 3312.
T. 33 S., R. 59 E., unsurveyed,
Secs. 1, that portion lying outside the boundary of the Tongass National Forest;
Secs. 2 thru 9;
Secs. 10, 11, 12, 15, and 16, those portions lying outside the boundary of the Tongass National Forest;
Secs. 17;
Secs. 18, that portion lying outside the boundary of Glacier Bay National Park;
Secs. 19 and 20, those portions lying outside the boundaries of the Tongass National Forest and Glacier Bay National Park;
Secs. 21, that portion lying outside the boundary of the Tongass National Forest.
T. 25 S., R. 60 E., unsurveyed,
Secs. 7;
Secs. 18 and 19, those portions lying outside the boundary of the Klondike Gold Rush National Historical Park, excepting lot 8, U.S. Survey No. 5110;
Secs. 20, 21, 28, 33, and 34, those portions within Presidential Proclamation 810.
T. 26 S., R. 60 E., unsurveyed,
Secs. 3, 10, and 11, those portions within Presidential Proclamation 810.
T. 33 S., R. 60 E., unsurveyed,
Secs. 6, that portion lying outside the boundary of the Tongass National Forest.
T. 40 S., R. 65 E., partly unsurveyed,
Lot 2A, U.S. Survey No. 3811.
T. 52 S., R. 68 E., partly unsurveyed,
Secs. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, excepting U.S. Survey No. 2412 and U.S. Survey No. 2413, unsurveyed;
Secs. 12, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, excepting U.S. Survey No. 2412 and U.S. Survey No. 2413, unsurveyed;
Lots 19, 20, and 22, U.S. Survey No. 2412;
Lots 24, 26, and 27, U.S. Survey No. 2413.
T. 52 S., R. 69 E., unsurveyed,
Secs. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 6, S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 7, N $\frac{1}{2}$, excepting U.S. Survey Nos. 1480, 2413, and 10438;
Lots 26, 27, 29, and 38, U.S. Survey No. 2413.
T. 68 S., R. 75 E., partly unsurveyed,
Lot 2, U.S. Survey No. 2615;
Lots 12 and 14, U.S. Survey No. 2616.
T. 68 S., R. 79 E., partly unsurveyed,
Lot 3, U.S. Survey No. 3813.
T. 74 S., R. 81 E.,
Lots 1 and 2, U.S. Survey No. 2327A;
U.S. Survey No. 2611A;
Craig Truck Trail, U.S. Survey No. 2611.
T. 62 S., R. 83 E., unsurveyed,
Lot 4, tract B, U.S. Survey No. 3402.
T. 69 S., R. 89 E., partly unsurveyed,
Lot 1, U.S. Survey No. 12974.
T. 75 S., R. 90 E., partly unsurveyed,
Lots 13 and 16B, U.S. Survey No. 2990.
T. 75 S., R. 91 E., partly unsurveyed,
U.S. Survey No. 1698.
T. 76 S., R. 91 E.,
U.S. Survey 1698;
Lots 1 and 2, U.S. Survey 3829.
T. 68 S., R. 99 E., partly unsurveyed,
Secs. 23, that portion excluded from the Tongass National Forest by Executive Order 5947.
The areas described aggregate approximately 944,192 acres.

Bay RMP**Seward Meridian, Alaska**

- T. 10 N., R. 20 W., unsurveyed,
Secs. 3 thru 11, secs. 14 thru 23, and secs. 25 thru 36.
T. 11 N., R. 20 W., unsurveyed,
Secs. 20, 21, and 22, and secs. 26 thru 35.
T. 1 N., R. 32 W.,
Secs. 21, 22, 23, 28, 31, and 32.
T. 1 N., R. 35 W.
T. 2 N., R. 39 W., unsurveyed,
Secs. 10, that portion formerly within Native Allotment application A-053908 Parcel B excluded from the Tentative Approval for AA-6856 dated June 12, 1975.
T. 3 S., R. 24 W., unsurveyed,
Secs. 7, 9, 16, 17, and 18, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 19 and 20;
Secs. 21, 22, and 28, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 29, 30, and 31.
T. 2 S., R. 25 W., unsurveyed,
Secs. 35, that portion lying outside the boundary of the Lake Clark National Park.
T. 3 S., R. 25 W., unsurveyed,
Secs. 2 thru 9, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 10 and 11;
Secs. 12, that portion lying outside the boundary of the Lake Clark National Park;
Secs. 13 thru 36.
T. 4 S., R. 26 W.,
Secs. 8, 9, and 24.
T. 2 S., R. 30 W.,
Secs. 25, 35, and 36, those portions lying outside the boundary of the Lake Clark National Park.
T. 3 S., R. 30 W., unsurveyed,
Secs. 1;
Secs. 2, 3, 10, and 11, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 12, 13, and 14;
Secs. 15, 20, 21, and 22, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 23 thru 36.
T. 3 S., R. 31 W.,
Secs. 25 and 27;
Secs. 28, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 29, SE $\frac{1}{4}$;
Secs. 32, E $\frac{1}{2}$;
Secs. 33 and 34.
T. 4 S., R. 31 W.,
Secs. 3 and 4;
Secs. 5, 6, and 7, those portions lying outside the boundary of the Lake Clark National Park;
Secs. 8, 9, 10, 17, and 18.

- T. 5 S., R. 31 W.,
Secs. 12 and 34.
- T. 6 S., R. 31 W.,
Secs. 4, 16, 21, 22, 27, and 34.
- T. 9 S., R. 31 W.,
Lot 1, U.S. Survey No. 7128;
Lot 4, U.S. Survey No. 8501;
Lots 1 and 2, U.S. Survey No. 12089.
- T. 2 S., R. 32 W.,
Lot 2, U.S. Survey No. 3863.
- T. 3 S., R. 32 W.,
Secs. 35 and 36, those portions lying
outside the boundary of the Lake Clark
National Park.
- T. 4 S., R. 32 W.,
Secs. 1, that portion lying outside the
boundary of the Lake Clark National
Park;
Secs. 2 and 12.
- T. 5 S., R. 32 W.,
Secs. 15, 23, and 32.
- T. 7 S., R. 32 W.,
Secs. 11 and 33.
- T. 9 S., R. 32 W.,
Secs. 20 and 21.
- T. 10 S., R. 32 W.,
Secs. 14.
- T. 3 S., R. 33 W.,
Secs. 23.
- T. 9 S., R. 33 W.,
Secs. 16 thru 21, and secs. 28, 29, 30, and
36.
- T. 1 S., R. 34 W.,
Secs. 17 and 18.
- T. 4 S., R. 34 W.,
Secs. 20, 21, and 22, and secs. 27 thru 30.
- T. 9 S., R. 34 W.,
Secs. 3, 13, 14, and 15, and secs. 22 thru
27.
- T. 11 S., R. 37 W.,
Secs. 2, 3, 4, 9, and 10;
Secs. 16 and 21, those portions lying
outside the boundary of the Katmai
National Preserve.
- T. 10 S., R. 38 W.,
Secs. 31 thru 36.
- T. 11 S., R. 38 W.,
Secs. 1 thru 30;
Secs. 31 and 32, excepting U.S. Survey No.
13929;
Secs. 33, 34, and 35;
Secs. 36, that portion lying outside the
boundary of the Katmai National
Preserve.
- T. 12 S., R. 38 W.,
Secs. 2, 3, and 4;
Secs. 5 and 6, excepting U.S. Survey No.
13929;
Secs. 7 thru 10, secs. 16 thru 21, and secs.
28, 29, and 30;
Secs. 31, lot 1.
- Tps. 11 and 12 S., R. 39 W.
- T. 13 S., R. 39 W., unsurveyed,
Secs. 4, N¹/₂, SW¹/₄, NE¹/₄SE¹/₄, and
W¹/₂SE¹/₄;
Secs. 5 and 6;
Secs. 7, N¹/₂, SW¹/₄, NE¹/₄SE¹/₄, and
W¹/₂SE¹/₄;
Secs. 8, N¹/₂ and NW¹/₄SW¹/₄;
Secs. 9, W¹/₂NE¹/₄ and NW¹/₄.
- T. 8 S., R. 40 W., unsurveyed,
Secs. 1, excepting U.S. Survey No. 12197;
Secs. 2 thru 36.
- T. 9 S., R. 40 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs.
28 thru 33.
- Tps. 11 and 12 S., R. 40 W.
- T. 13 S., R. 40 W., unsurveyed,
Secs. 1 thru 12;
Secs. 13, NW¹/₄NE¹/₄ and W¹/₂;
Secs. 14 thru 22;
Secs. 23, N¹/₂ and NW¹/₄SW¹/₄;
Secs. 24, W¹/₂NW¹/₄;
Secs. 27, N¹/₂ and N¹/₂SW¹/₄;
Secs. 28, N¹/₂, N¹/₂SW¹/₄, and SE¹/₄;
Secs. 29, N¹/₂, N¹/₂SW¹/₄, SE¹/₄SW¹/₄, and
N¹/₂SE¹/₄;
Secs. 30, N¹/₂, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, and
N¹/₂SE¹/₄.
- T. 14 S., R. 40 W., unsurveyed,
Secs. 7, 8, 17, 18, 19, and 30, those
portions lying outside the boundary of
the Katmai National Preserve and
Wilderness.
- T. 7 S., R. 41 W., unsurveyed,
Secs. 1 thru 12, secs. 14 thru 18, and sec.
36.
- T. 8 S., R. 41 W., unsurveyed,
Secs. 1, secs. 11 thru 14, secs. 22 thru 27,
and secs. 34, 35, and 36.
- T. 9 S., R. 41 W., unsurveyed.
- T. 10 S., R. 41 W.,
Secs. 14, unsurveyed.
- T. 13 S., R. 41 W., unsurveyed,
Secs. 1 thru 18;
Secs. 19, N¹/₂, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, and
N¹/₂SE¹/₄;
Secs. 20, N¹/₂, N¹/₂SW¹/₄, and N¹/₂SE¹/₄;
Secs. 21, N¹/₂, N¹/₂SW¹/₄, N¹/₂SE¹/₄, and
SE¹/₄SE¹/₄;
Secs. 22, 23, and 24;
Secs. 25, N¹/₂, N¹/₂SW¹/₄, and SE¹/₄;
Secs. 26, N¹/₂, N¹/₂SW¹/₄, and N¹/₂SE¹/₄;
Secs. 27, E¹/₂NE¹/₄ and NE¹/₄SE¹/₄;
Secs. 28, SW¹/₄SW¹/₄;
Secs. 29, S¹/₂SE¹/₄;
Secs. 32;
Secs. 33, NW¹/₄NW¹/₄ and W¹/₂SW¹/₄.
- T. 14 S., R. 41 W., unsurveyed,
Secs. 2, SW¹/₄SW¹/₄;
Secs. 3, S¹/₂NE¹/₄, SW¹/₄NW¹/₄, and S¹/₂;
Secs. 4;
Secs. 5, excepting U.S. Survey No. 7764;
Secs. 7 thru 10;
Secs. 11, NE¹/₄NE¹/₄, S¹/₂NE¹/₄, W¹/₂NW¹/₄,
SE¹/₄NW¹/₄, and S¹/₂;
Secs. 12, NE¹/₄NE¹/₄, S¹/₂NE¹/₄, W¹/₂NW¹/₄,
SE¹/₄NW¹/₄, and S¹/₂;
Secs. 13 thru 24;
Secs. 25, that portion lying outside the
boundary of the Katmai National
Preserve and Wilderness;
Secs. 26 thru 35;
Secs. 36, that portion lying outside the
boundary of the Katmai National
Preserve and Wilderness.
- T. 7 S., R. 42 W.,
Tract C.
- T. 9 S., R. 42 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 22, and secs.
27 thru 34.
- T. 10 S., R. 42 W., unsurveyed,
Secs. 3 thru 10 and secs. 15 thru 18.
- T. 13 S., R. 42 W., unsurveyed,
Secs. 1, secs. 5 thru 8, and sec. 12;
Secs. 16, SW¹/₄SW¹/₄;
Secs. 17 thru 20;
Secs. 21, W¹/₂NW¹/₄, SE¹/₄NW¹/₄, SW¹/₄,
W¹/₂SE¹/₄, and SE¹/₄SE¹/₄, excepting U.S.
Survey No. 12126;
Secs. 22, SW¹/₄SW¹/₄;
Secs. 27, SW¹/₄NE¹/₄, W¹/₂, W¹/₂SE¹/₄, and
SE¹/₄SE¹/₄;
- Secs. 28 thru 34;
Secs. 35, S¹/₂NE¹/₄, W¹/₂NW¹/₄, SE¹/₄NW¹/₄,
and S¹/₂.
- T. 14 S., R. 42 W., unsurveyed,
Secs. 3 thru 9, secs. 13 and 18, secs. 23
thru 28, and secs. 31 thru 36.
- T. 4 S., R. 43 W.,
Tracts A and B, those lands formerly
within Native Allotment applications
AA-6378 Parcel C, AA-6380 Parcel A,
AA-6401, and AA-6402 excluded from
the Tentative Approval for AA-6849
dated June 13, 1975.
- T. 5 S., R. 43 W.,
Tracts A and B, those lands formerly
within Native Allotment applications
AA-6399 Parcel B and AA-6409 Parcel
B excluded from the Tentative Approval
for AA-21661 dated November 2, 1984.
- T. 7 S., R. 43 W.,
Secs. 19 thru 36, unsurveyed.
- T. 8 S., R. 43 W., unsurveyed.
- T. 10 S., R. 43 W.,
Secs. 1 thru 21 and secs. 28 thru 33.
- T. 11 S., R. 43 W.,
Secs. 4, 5, and 6.
- T. 12 S., R. 43 W.,
Secs. 1 thru 22;
Secs. 23, N¹/₂, SW¹/₄, N¹/₂SE¹/₄, and
SW¹/₄SE¹/₄;
Secs. 24, N¹/₂, N¹/₂SW¹/₄, and NW¹/₄SE¹/₄;
Secs. 26, W¹/₂NE¹/₄, NW¹/₄, and N¹/₂SW¹/₄;
Secs. 27 thru 32.
- T. 13 S., R. 43 W., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4, E¹/₂ and E¹/₂SW¹/₄;
Secs. 5, W¹/₂SW¹/₄, excepting U.S. Survey
No. 12198;
Secs. 6;
Secs. 9, E¹/₂, E¹/₂NW¹/₄, and E¹/₂SW¹/₄;
Secs. 10 thru 16;
Secs. 17, S¹/₂NE¹/₄, W¹/₂NW¹/₄, SE¹/₄NW¹/₄,
and S¹/₂;
Secs. 18 thru 36.
- T. 14 S., R. 43 W., unsurveyed,
Secs. 1 thru 23 and secs. 27 thru 33.
- T. 5 S., R. 44 W.,
Tracts H, J, and K, those lands within
regional selection application AA-10665
previously excluded from the Tentative
Approval for AA-21662 dated November
2, 1984.
- T. 8 S., R. 44 W., unsurveyed.
- T. 9 S., R. 44 W., unsurveyed,
Secs. 4 thru 9, secs. 16 thru 21, and secs.
28 thru 33.
- T. 11 S., R. 44 W.,
Secs. 1, secs. 5 thru 8, and secs. 17, 18, and
19.
- T. 14 S., R. 44 W.
- T. 15 S., R. 44 W.,
Secs. 1 thru 21 and secs. 28 thru 33.
- T. 19 S., R. 44 W.,
Secs. 10, NW¹/₄;
Secs. 17, NW¹/₄;
Secs. 18, N¹/₂ and SW¹/₄.
- T. 5 S., R. 45 W.,
Secs. 20;
Secs. 31, lot 5, those lands formerly within
Native Allotment Application AA-6387
Parcel A excluded from Interim
Conveyance Nos. 228 and 229.
- T. 7 S., R. 45 W.,
Secs. 1 thru 4 and secs. 7 thru 36.
- Tps. 8 and 9 S., R. 45 W., unsurveyed.
- T. 10 S., R. 45 W., unsurveyed,

- Secs. 1 thru 21 and secs. 28 thru 33.
T. 14 S., R. 45 W.,
Secs. 1 thru 5 and secs. 7 thru 36.
T. 17 S., R. 45 W.,
Secs. 10, N¹/₂SE¹/₄NE¹/₄, SE¹/₄SE¹/₄NE¹/₄,
N¹/₂NE¹/₄SE¹/₄SW¹/₄,
N¹/₂NW¹/₄SE¹/₄SW¹/₄, E¹/₂NE¹/₄SE¹/₄,
N¹/₂NW¹/₄SW¹/₄SE¹/₄,
NE¹/₄SE¹/₄SW¹/₄SE¹/₄, and
S¹/₂SE¹/₄SW¹/₄SE¹/₄;
Secs. 11, S¹/₂NW¹/₄;
Secs. 21, lots 2, 9, and 10;
Secs. 22, lots 9 and 10;
Secs. 24, S¹/₂SE¹/₄SW¹/₄;
Secs. 25, NE¹/₄NW¹/₄SW¹/₄NE¹/₄;
Lot 5, U.S. Survey No. 4688;
Lot 2, U.S. Survey No. 8517.
T. 6 S., R. 46 W.,
Secs. 30, 31, and 32.
T. 7 S., R. 46 W.,
Secs. 30.
Tps. 9 and 10 S., R. 46 W., unsurveyed.
T. 11 S., R. 46 W.
T. 14 S., R. 46 W.,
Secs. 24, 25, and 36.
T. 15 S., R. 46 W.,
Secs. 1, 7, 12, 13, 24, 25, and 36.
T. 6 S., R. 47 W.,
Secs. 2, 3, and 4, secs. 9 thru 16, sec. 19,
and secs. 22 thru 36.
T. 7 S., R. 47 W.,
Secs. 1 thru 25 and secs. 28 thru 33.
T. 9 S., R. 47 W.,
Secs. 1 thru 4;
Secs. 7, lot 1;
Secs. 8 thru 36;
Lot 4, U.S. Survey No. 7724.
T. 10 S., R. 47 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 17
and 18, secs. 22 thru 27, and secs. 34, 35,
and 36.
T. 11 S., R. 47 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22
thru 27, and secs. 34, 35, and 36.
T. 14 S., R. 47 W.,
Secs. 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32,
and 33.
T. 15 S., R. 47 W.,
Secs. 4 thru 7.
T. 17 S., R. 47 W.,
Secs. 2, NE¹/₄NW¹/₄NW¹/₄;
Lot 23, U.S. Survey No. 3539.
T. 5 S., R. 48 W.,
Secs. 15 and 16;
Secs. 17, lot 2;
Secs. 18.
T. 6 S., R. 48 W.,
Secs. 1 thru 7;
Secs. 8 and 9, excepting U.S. Survey No.
8147;
Secs. 10 thru 36.
T. 7 S., R. 48 W.,
Secs. 1 thru 28, sec. 31, and secs. 33 thru
36.
T. 8 S., R. 48 W.,
Secs. 1 thru 4 and sec. 6.
T. 10 S., R. 48 W.,
Secs. 13 and 24.
T. 11 S., R. 48 W.,
Secs. 19 thru 36.
Tps. 12, 13, and 14 S., R. 48 W., unsurveyed.
T. 15 S., R. 48 W.,
Secs. 1 thru 12 and secs. 14 thru 18.
T. 5 S., R. 49 W.,
Secs. 13.
T. 6 S., R. 49 W.,
Secs. 25;
Secs. 26, excepting U.S. Survey No. 14057;
Secs. 27 thru 34;
Secs. 35, excepting U.S. Survey No. 14057;
Secs. 36;
U.S. Survey No. 14057.
T. 7 S., R. 49 W.
T. 8 S., R. 49 W.,
Secs. 1 thru 12, secs. 14 thru 23, and secs.
27 thru 34.
T. 10 S., R. 49 W.,
Secs. 26.
Tps. 13, 14, and 15 S., R. 49 W.
T. 16 S., R. 49 W.,
Secs. 4, 5, and 6.
T. 9 S., R. 50 W.,
Secs. 1 thru 6, secs. 8 thru 11, and secs.
15, 16, 17, and 20.
T. 10 S., R. 50 W.,
Secs. 29, lot 6.
T. 15 S., R. 50 W.,
Secs. 1, 2, 3, and 8, secs. 10 thru 15, secs.
17 thru 20, secs. 22 thru 27, and secs. 30,
34, 35, and 36.
T. 16 S., R. 50 W.,
Secs. 1 thru 12 and secs. 14 thru 23.
T. 13 S., R. 51 W.,
Secs. 34.
T. 15 S., R. 52 W.,
Secs. 23, 24, and 25.
T. 8 S., R. 53 W.,
Secs. 36.
T. 10 S., R. 53 W., unsurveyed,
Secs. 7, 18, and 19.
T. 12 S., R. 53 W.,
Secs. 22 and 23, unsurveyed;
Secs. 24, 25 and 36.
T. 13 S., R. 53 W.,
Secs. 31 and 32.
T. 10 S., R. 54 W.,
Secs. 9 thru 16 and secs. 22, 23, and 24.
T. 11 S., R. 54 W.,
Secs. 11, 12, 13, 18, 19, 24, 25, 29, and 32.
T. 12 S., R. 54 W.,
Secs. 14 and 17.
T. 13 S., R. 54 W.,
Secs. 34, 35, and 36.
T. 9 S., R. 55 W.,
Tract C, that portion within sec. 3.
T. 10 S., R. 55 W.,
Secs. 31, those lands formerly within
Native Allotment Application AA-7238
excluded from Interim Conveyance Nos.
286 and 287;
Tract 37;
Lots 1 and 2, U.S. Survey No. 12403.
T. 11 S., R. 55 W.,
Secs. 3;
Secs. 15, lots 2 and 5, and SE¹/₄.
T. 12 S., R. 55 W.,
Secs. 16, lots 2 thru 5, E¹/₂SW¹/₄NE¹/₄, and
E¹/₂NW¹/₄SE¹/₄;
Secs. 17 and 21.
T. 15 S., R. 55 W.,
Secs. 6, 7, and 18, those portions lying
outside the boundary of the Alaska
Maritime National Wildlife Refuge.
T. 10 S., R. 56 W.,
Tracts R and S;
Lots 13 and 14, U.S. Survey No. 4927.
T. 11 S., R. 56 W.,
Secs. 15;
Secs. 35, those lands formerly within
Native Allotment Application AA-7758
excluded from Interim Conveyance Nos.
335 and 336.
The areas described aggregate
approximately 1,244,730 acres.

Bering Sea—Western Interior RMP**Fairbanks Meridian, Alaska**

- T. 11 S., R. 23 W.,
Secs. 19, 20, 21, 28, 29, and 30,
unsurveyed.
T. 12 S., R. 24 W.,
U.S. Survey No. 2655, excepting that land
conveyed to the Iditarod Area School
District by Quit Claim Deed on April 2,
1996, recorded in the Fairbanks
Recording District, document No. 1997-
0712 and that portion within Air
Navigation Site No. 190.
T. 22 S., R. 27 W., unsurveyed,
Secs. 1 thru 5;
Secs. 6, excepting lot 1, U.S. Survey No.
5934;
Secs. 7, excepting lots 1 and 2, U.S. Survey
No. 5934;
Secs. 8 thru 21 and secs. 28 thru 33.
T. 12 S., R. 28 W., unsurveyed.
T. 17 S., R. 28 W.,
Secs. 1 thru 12 and secs. 32 thru 36.

Kateel River Meridian, Alaska

- Tps. 1 thru 6 N., R. 1 E., unsurveyed.
T. 7 N., R. 1 E., unsurveyed,
Secs. 1 thru 5;
Secs. 6 and 7, those portions outside the
boundary of the Selawik National
Wildlife Refuge;
Secs. 8 thru 36.
T. 8 N., R. 1 E., unsurveyed,
Secs. 24 thru 28, those portions outside the
boundary of the Koyukuk National
Wildlife Refuge;
Secs. 31, that portion outside the boundary
of the Koyukuk and Selawik National
Wildlife Refuges;
Secs. 32, 33, and 34, those portions outside
the boundary of the Koyukuk National
Wildlife Refuge;
Secs. 35 and 36.
Tps. 1, 2, and 3 N., R. 2 E., unsurveyed.
T. 4 N., R. 2 E., unsurveyed,
Secs. 1, that portion outside the boundary
of the Koyukuk National Wildlife Refuge;
Secs. 2 thru 11;
Secs. 12 and 13, those portions outside the
boundary of the Koyukuk National
Wildlife Refuge;
Secs. 14 thru 23;
Secs. 24 and 25, those portions outside the
boundary of the Koyukuk National
Wildlife Refuge;
Secs. 26 thru 36.
T. 5 N., R. 2 E., unsurveyed,
Secs. 2, that portion outside the boundary
of the Koyukuk National Wildlife Refuge;
Secs. 3 thru 10;
Secs. 11, 12, and 13, those portions outside
the boundary of the Koyukuk National
Wildlife Refuge;
Secs. 14 thru 23;
Secs. 24 and 25, those portions outside the
boundary of the Koyukuk National
Wildlife Refuge;
Secs. 26 thru 34;
Secs. 35 and 36, those portions outside the
boundary of the Koyukuk National
Wildlife Refuge.
T. 6 N., R. 2 E., unsurveyed,
Secs. 1 thru 12;

- Secs. 13, that portion outside the boundary of the Koyukuk National Wildlife Refuge; Secs. 14 thru 21;
- Secs. 22, 23, 24, and 27, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 28 thru 33;
- Secs. 34 and 35, those portions outside the boundary of the Koyukuk National Wildlife Refuge.
- T. 7 N., R. 2 E., unsurveyed,
- Secs. 1, that portion outside the boundary of the Koyukuk National Wildlife Refuge; Secs. 2 thru 36.
- T. 8 N., R. 2 E., unsurveyed,
- Secs. 19 thru 25, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 26 thru 29;
- Secs. 30, that portion outside the boundary of the Koyukuk National Wildlife Refuge; Secs. 31 thru 34;
- Secs. 35 and 36, those portions outside the boundary of the Koyukuk National Wildlife Refuge.
- Tps. 1, 2, and 3 N., R. 3 E., unsurveyed.
- T. 4 N., R. 3 E., unsurveyed,
- Secs. 13, 14, 22, and 23, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 24, 25, and 26;
- Secs. 27 thru 30, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 31 thru 36.
- T. 5 N., R. 3 E., unsurveyed,
- Secs. 19 and 30, those portions outside the boundary of the Koyukuk National Wildlife Refuge.
- T. 6 N., R. 3 E., unsurveyed,
- Secs. 5, that portion outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 6 and 7;
- Secs. 8, 17, and 18, those portions outside the boundary of the Koyukuk National Wildlife Refuge.
- T. 7 N., R. 3 E., unsurveyed,
- Secs. 6, 7, 18, 19, 20, 29, and 30, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 31;
- Secs. 32, that portion outside the boundary of the Koyukuk National Wildlife Refuge.
- T. 1 N., R. 4 E., unsurveyed,
- Secs. 1 thru 24 and secs. 26 thru 34.
- Tps. 2 and 3 N., R. 4 E., unsurveyed.
- T. 4 N., R. 4 E., unsurveyed,
- Secs. 1 thru 4;
- Secs. 5, 7, and 8, those portions outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 9 thru 17;
- Secs. 18, that portion outside the boundary of the Koyukuk National Wildlife Refuge;
- Secs. 19 thru 36.
- Tps. 3 and 4 N., R. 5 E., unsurveyed.
- T. 1 N., R. 1 W., unsurveyed.
- T. 2 N., R. 1 W., unsurveyed,
- Secs. 1 thru 5;
- Secs. 6, excepting U.S. Survey No. 9229;
- Secs. 7 thru 36.
- Tps. 3 thru 6 N., R. 1 W., unsurveyed.
- T. 7 N., R. 1 W., unsurveyed,
- Secs. 25 thru 36.
- T. 1 N., R. 2 W., unsurveyed.
- T. 2 N., R. 2 W., unsurveyed,
- Secs. 1, excepting U.S. Survey No. 9229;
- Secs. 2 thru 36.
- Tps. 3 and 4 N., R. 2 W., unsurveyed.
- T. 5 N., R. 2 W., unsurveyed,
- Secs. 1 thru 23;
- Secs. 24, excepting U.S. survey No. 12985;
- Secs. 25 thru 36.
- T. 6 N., R. 2 W., unsurveyed,
- Secs. 1;
- Secs. 2, excepting lot 2, U.S. Survey No. 12998;
- Secs. 3, excepting U.S. Survey No. 12998;
- Secs. 4 thru 36.
- Tps. 1 thru 6 N., R. 3 W., unsurveyed.
- Tps. 2 thru 6 N., R. 4 W., unsurveyed.
- Tps. 1 thru 10 S., R. 1 W., unsurveyed.
- T. 18 S., R. 1 W., unsurveyed,
- Secs. 6, that portion outside the boundary of the Innoko National Wildlife Refuge, excepting U.S. Survey No. 7742.
- Tps. 1 thru 11 S., R. 2 W., unsurveyed.
- T. 13 S., R. 2 W.
- Tps. 20 and 21 S., R. 2 W.
- Tps. 1 thru 12 S., R. 3 W., unsurveyed.
- T. 13 S., R. 3 W., unsurveyed,
- Secs. 1 thru 25;
- Secs. 27, N¹/₂ and SW¹/₄;
- Secs. 28 thru 32;
- Secs. 33, NW¹/₄;
- Secs. 35, S¹/₂;
- Secs. 36.
- T. 14 S., R. 3 W., unsurveyed,
- Secs. 1 and 2;
- Secs. 3, E¹/₂ and SW¹/₄;
- Secs. 5, NW¹/₄;
- Secs. 6;
- Secs. 7, NW¹/₄;
- Secs. 9, E¹/₂;
- Secs. 10 thru 16;
- Secs. 17, E¹/₂;
- Secs. 20 thru 29;
- Secs. 30, E¹/₂;
- Secs. 31, E¹/₂;
- Secs. 32, 33, and 34.
- T. 15 S., R. 3 W., unsurveyed,
- Secs. 4 and 5;
- Secs. 6, E¹/₂ and SW¹/₄;
- Secs. 7.
- T. 18 S., R. 3 W.,
- Secs. 1, 2, and 3, and secs. 10 thru 15.
- Tps. 3 thru 13 S., R. 4 W., unsurveyed.
- T. 14 S., R. 4 W., unsurveyed,
- Secs. 1 thru 12;
- Secs. 13, N¹/₂ and SW¹/₄;
- Secs. 14 thru 23;
- Secs. 24, W¹/₂;
- Secs. 26 thru 35.
- T. 15 S., R. 4 W., unsurveyed,
- Secs. 2, NW¹/₄;
- Secs. 3 thru 10;
- Secs. 12, E¹/₂;
- Secs. 15, N¹/₂ and SW¹/₄;
- Secs. 16 thru 21;
- Secs. 28, N¹/₂ and SW¹/₄;
- Secs. 29 thru 32;
- Secs. 33, NW¹/₄;
- Secs. 35 and 36.
- T. 16 S., R. 4 W., unsurveyed,
- Secs. 1 and 2;
- Secs. 5, NW¹/₄;
- Secs. 6;
- Secs. 7, NW¹/₄;
- Secs. 9, SE¹/₄;
- Secs. 10 thru 16;
- Secs. 17, SE¹/₄;
- Secs. 19, E¹/₂ and SW¹/₄;
- Secs. 20 thru 36.
- Tps. 17, 18, and 19 S., R. 4 W., partly unsurveyed.
- Tps. 7 thru 15 S., R. 5 W., unsurveyed.
- T. 16 S., R. 5 W., unsurveyed,
- Secs. 1 thru 12;
- Secs. 15, N¹/₂;
- Secs. 16, N¹/₂;
- Secs. 17, N¹/₂ and SW¹/₄;
- Secs. 18;
- Secs. 19, N¹/₂ and SW¹/₄;
- Secs. 23, SE¹/₄;
- Secs. 24, S¹/₂;
- Secs. 25, 26, and 27;
- Secs. 28, E¹/₂ and SW¹/₄;
- Secs. 30, NW¹/₄;
- Secs. 32, SE¹/₄;
- Secs. 33 thru 36.
- T. 17 S., R. 5 W., unsurveyed,
- Secs. 1 thru 5;
- Secs. 6, NE¹/₄ and S¹/₂;
- Secs. 7 thru 36.
- Tps. 18 thru 21 S., R. 5 W., partly unsurveyed.
- T. 22 S., R. 5 W.,
- Secs. 1 thru 22 and secs. 27 thru 34.
- T. 23 S., R. 5 W.,
- Secs. 3 thru 10 and secs. 13 thru 36.
- T. 24 S., R. 5 W.,
- Secs. 1 thru 12, secs. 16 thru 21, and secs. 28 thru 33.
- Tps. 9 thru 15 S., R. 6 W., unsurveyed.
- T. 16 S., R. 6 W., unsurveyed,
- Secs. 1 thru 24;
- Secs. 25, N¹/₂ and SW¹/₄;
- Secs. 26 thru 34;
- Secs. 35, N¹/₂ and SW¹/₄.
- T. 17 S., R. 6 W., unsurveyed,
- Secs. 1, SE¹/₄;
- Secs. 3, N¹/₂;
- Secs. 4 thru 7;
- Secs. 8, NW¹/₄;
- Secs. 11, SE¹/₄;
- Secs. 12, 13, and 14;
- Secs. 15, excepting U.S. Survey No. 11771;
- Secs. 16, SE¹/₄;
- Secs. 18, NW¹/₄;
- Secs. 20, SE¹/₄;
- Secs. 21 thru 29;
- Secs. 31, E¹/₂ and SW¹/₄;
- Secs. 32 thru 36;
- U.S. Survey No. 11771.
- Tps. 18 thru 24 S., R. 6 W., unsurveyed.
- T. 25 S., R. 6 W.,
- Secs. 1, 2 and 3, secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
- T. 26 S., R. 6 W.,
- Secs. 3, 10, 15, 22, 27, and 34.
- T. 27 S., R. 6 W.,
- Secs. 3, 10, 15, 20, 29, and 32.
- Tps. 12 thru 16 S., R. 7 W., unsurveyed.
- T. 17 S., R. 7 W., unsurveyed,
- Secs. 1 thru 23;
- Secs. 24, NW¹/₄;
- Secs. 27 thru 32;
- Secs. 33, NW¹/₄;
- Secs. 36, SE¹/₄.
- T. 18 S., R. 7 W., unsurveyed,
- Secs. 1;
- Secs. 2, S¹/₂;
- Secs. 5, N¹/₂ and SW¹/₄, excepting lot 1, U.S. Survey No. 14101;
- Secs. 6, excepting lot 1, U.S. Survey No. 5454;
- Secs. 10, E¹/₂ and SW¹/₄;
- Secs. 11 thru 16;

- Secs. 17, excepting lot 1, U.S. Survey No. 14118;
 Secs. 19, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
 Secs. 20 thru 36.
 Tps. 19 thru 27 S., R. 7 W., partly unsurveyed.
- T. 29 S., R. 7 W.,
 Secs. 2, lot 4.
- T. 14 S., R. 8 W., unsurveyed,
 Secs. 1 thru 17;
 Secs. 18, excepting U.S. Survey No. 13566;
 Secs. 19 thru 36.
 Tps. 15, 16, and 17 S., R. 8 W., unsurveyed.
- T. 18 S., R. 8 W., unsurveyed,
 Secs. 1, excepting lot 1, U.S. Survey No. 5454;
 Secs. 2 thru 6;
 Secs. 7, excepting lots 1 and 5, U.S. Survey No. 5344;
 Secs. 8, excepting lots 5, 7, 8, 10, 11, and 12, U.S. Survey No. 5344;
 Secs. 9, excepting lots 7 and 9, U.S. Survey No. 5344, and lot 2, U.S. Survey No. 5369;
 Secs. 10, excepting U.S. Survey No. 5369;
 Secs. 11;
 Secs. 12, N $\frac{1}{2}$ and SW $\frac{1}{4}$, excepting lot 1, U.S. Survey No. 5454 and lot 1, U.S. Survey No. 9698;
 Secs. 19, S $\frac{1}{2}$, excepting lot 3, U.S. Survey No. 5451;
 Secs. 20, 21, and 22;
 Secs. 23, S $\frac{1}{2}$;
 Secs. 24, S $\frac{1}{2}$;
 Secs. 25 thru 29;
 Secs. 30, excepting lots 2 and 3, U.S. Survey No. 5451;
 Secs. 31 thru 36;
 Lot 12, U.S. Survey No. 5344.
- T. 19 S., R. 8 W., unsurveyed,
 Secs. 1 thru 30;
 Secs. 31, excepting U.S. Survey No. 11768;
 Secs. 32 thru 36.
- T. 20 S., R. 8 W., unsurveyed,
 Secs. 1 thru 5;
 Secs. 6, excepting U.S. Survey No. 11768;
 Secs. 7 thru 36.
- Tps. 21 and 22 S., R. 8 W., unsurveyed.
- T. 23 S., R. 8 W., unsurveyed,
 Secs. 1 thru 28;
 Secs. 29 and 30, excepting U.S. Survey No. 13638;
 Secs. 31 thru 36.
- Tps. 24 thru 29 S., R. 8 W., partly unsurveyed.
- T. 15 S., R. 9 W., unsurveyed.
- T. 16 S., R. 9 W., partly unsurveyed,
 Secs. 1 thru 12, secs. 14 thru 21, secs. 29 thru 32, and sec. 36.
- T. 17 S., R. 9 W.,
 Secs. 1, 2, and 6, secs. 11 thru 15, secs. 21 thru 29, and secs. 32, 33, and 34.
- T. 18 S., R. 9 W.,
 Secs. 5.
- T. 19 S., R. 9 W.,
 Secs. 21 thru 36.
- Tps. 20 thru 28 S., R. 9 W., unsurveyed.
- T. 16 S., R. 10 W., partly unsurveyed,
 Secs. 1 thru 5 and secs. 8 thru 36.
- T. 17 S., R. 10 W.,
 Secs. 1 thru 12, secs. 14 thru 23, and secs. 27 thru 34, unsurveyed.
- T. 19 S., R. 10 W.,
 Secs. 25 and 36.
- T. 20 S., R. 10 W.,
 Secs. 1, 12, and 13, secs. 23 thru 26, and secs. 31, 32, 35, and 36.
- T. 21 S., R. 10 W.,
 Secs. 1, 2, 3, 6, and 7, secs. 10 thru 15, and secs. 18 thru 36, unsurveyed.
- Tps. 22 thru 29 S., R. 10 W., unsurveyed.
- T. 16 S., R. 11 W.,
 Secs. 2, 3, 4, 9, 10, 16, 25, 34, 35, and 36.
- T. 17 S., R. 11 W.,
 Secs. 1 thru 4, secs. 9 thru 16, secs. 22 thru 26, and secs. 35 and 36, unsurveyed.
- T. 21 S., R. 11 W.,
 Secs. 1, secs. 11 thru 14, secs. 22 thru 27, and secs. 33 thru 36.
- Tps. 22 thru 29 S., R. 11 W., unsurveyed.
- T. 22 S., R. 12 W., unsurveyed,
 Secs. 1 and 2, secs. 9 thru 16, secs. 21 thru 29, and secs. 31 thru 36.
- Tps. 23 thru 29 S., R. 12 W., unsurveyed.
- T. 23 S., R. 13 W., unsurveyed,
 Secs. 12 and 13 and secs. 21 thru 36.
- T. 24 S., R. 13 W., unsurveyed,
 Secs. 1 thru 30;
 Secs. 31 and 32, excepting U.S. Survey No. 14458;
 Secs. 33 thru 36;
 U.S. Survey No. 14458.
- T. 25 S., R. 13 W., unsurveyed,
 Secs. 1, 2, and 3;
 Secs. 4, excepting U.S. Survey No. 12505 and U.S. Survey No. 14458;
 Secs. 5 and 6, excepting U.S. Survey No. 14458;
 Secs. 7, 8, and 9;
 Secs. 10, excepting U.S. Survey No. 14458;
 Secs. 11 thru 14;
 Secs. 15, excepting U.S. Survey No. 14458;
 Secs. 16, 17, and 18;
 Secs. 19, excepting U.S. Survey No. 12504;
 Secs. 20 and 21;
 Secs. 22 and 23, excepting U.S. Survey No. 14458;
 Secs. 24;
 Secs. 25 and 26, excepting U.S. Survey No. 14458;
 Secs. 27 thru 35;
 Secs. 36, excepting U.S. Survey No. 14458;
 U.S. Survey No. 14458.
- T. 26 S., R. 13 W., unsurveyed,
 Secs. 1 and 2, excepting U.S. Survey No. 14458;
 Secs. 3 thru 11;
 Secs. 12, excepting U.S. Survey No. 14458;
 Secs. 13 thru 36;
 U.S. Survey No. 14458.
- T. 27 S., R. 13 W., unsurveyed.
- T. 28 S., R. 13 W., unsurveyed,
 Secs. 1 thru 18;
 Secs. 20, E $\frac{1}{2}$;
 Secs. 21 thru 28;
 Secs. 29, E $\frac{1}{2}$;
 Secs. 32, E $\frac{1}{2}$;
 Secs. 33 thru 36.
- T. 29 S., R. 13 W., unsurveyed,
 Secs. 1 thru 4;
 Secs. 5, E $\frac{1}{2}$.
- T. 23 S., R. 14 W., unsurveyed,
 Secs. 33 thru 36.
- T. 24 S., R. 14 W., unsurveyed,
 Secs. 1, 2, and 3;
 Secs. 4, excepting U.S. Survey No. 14458;
 Secs. 5, excepting lot 1, U.S. Survey No. 13563 and U.S. Survey No. 14458;
 Secs. 6, excepting lot 1, U.S. Survey No. 13563;
 Secs. 7 and 8;
 Secs. 9 and 10, excepting U.S. Survey No. 14458;
- Secs. 11 and 12;
 Secs. 13, 14, and 15, excepting U.S. Survey No. 14458;
 Secs. 16 thru 23;
 Secs. 24 and 25, excepting U.S. Survey No. 14458;
 Secs. 26 thru 35;
 Secs. 36, excepting U.S. Survey No. 14458.
- T. 25 S., R. 14 W., unsurveyed,
 Secs. 1 thru 20;
 Secs. 21, excepting U.S. Survey No. 13560;
 Secs. 22 thru 36.
- T. 26 S., R. 14 W., unsurveyed,
 Secs. 1 thru 21;
 Secs. 22 and 23, excepting U.S. Survey No. 6485;
 Secs. 24, 25, and 26;
 Secs. 27, excepting U.S. Survey No. 6485;
 Secs. 28 thru 36.
- T. 27 S., R. 14 W., unsurveyed.
- T. 28 S., R. 14 W., unsurveyed,
 Secs. 1 thru 9, secs. 11 thru 14, and secs. 17 thru 20.
- T. 24 S., R. 15 W.,
 Secs. 13, 24, 25, and 36.
- T. 25 S., R. 15 W., unsurveyed.
- T. 26 S., R. 15 W., unsurveyed,
 Secs. 1 thru 5, secs. 8 thru 17, secs. 20 thru 29, and secs. 32 thru 36.
- T. 27 S., R. 15 W., unsurveyed,
 Secs. 1 thru 5, secs. 9 thru 14, secs. 23 thru 26, and secs. 35 and 36.
- T. 28 S., R. 15 W., unsurveyed,
 Secs. 1 and 2, secs. 11 thru 14, and secs. 23 and 24.
- T. 25 S., R. 16 W.,
 Secs. 25 thru 36.
- T. 25 S., R. 17 W.,
 Secs. 7 thru 30 and secs. 33 thru 36.
- T. 24 S., R. 18 W.,
 Secs. 25, 26, and 35.
- T. 25 S., R. 18 W.,
 Secs. 1 and 2, and secs. 11 thru 14.
- Tps. 1 thru 10 S., R. 1 E., unsurveyed.
- Tps. 1 thru 6 S., R. 2 E., unsurveyed.
- T. 7 S., R. 2 E.,
 Secs. 1 thru 21 and secs. 28 thru 33.
- T. 9 S., R. 2 E.,
 Secs. 2 thru 11, secs. 16 thru 19.
- Tps. 1 thru 6 S., R. 3 E., unsurveyed.
- T. 1 S., R. 4 E., unsurveyed,
 Secs. 3 thru 10 and secs. 15 thru 21;
 Secs. 22, N $\frac{1}{2}$;
 Secs. 28, N $\frac{1}{2}$;
 Secs. 29, 30, and 31;
 Secs. 32, N $\frac{1}{2}$ and SW $\frac{1}{4}$.
- T. 2 S., R. 4 E., unsurveyed,
 Secs. 1 thru 35;
 Secs. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 3 S., R. 4 E., unsurveyed,
 Secs. 3 thru 9;
 Secs. 10, W $\frac{1}{2}$;
 Secs. 16 thru 20;
 Secs. 21, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
 Secs. 29 thru 33.
- T. 4 S., R. 4 E., unsurveyed,
 Secs. 4 thru 9, secs. 16 thru 23, and secs. 26 thru 35.
- T. 5 S., R. 4 E., unsurveyed,
 Secs. 2, W $\frac{1}{2}$;
 Secs. 3 thru 9, secs. 16 thru 20, and secs. 29, 30, and 31;
 Secs. 32, W $\frac{1}{2}$.
- T. 29 S., R. 6 E., unsurveyed,

- Secs. 1, 2, and 3.
T. 28 S., R. 12 E.,
Mineral Survey No. 2394.
- T. 21 S., R. 13 E.,
Lots 5 and 6, U.S. Survey No. 12656.
- T. 27 S., R. 13 E.,
Mineral Survey No. 2394.
- T. 29 S., R. 15 E.,
Secs. 2 and 3.
- T. 27 S., R. 22 E.,
Secs. 25, 26, and 27;
Secs. 32, lots 4 and 6, lots 9 thru 14, and
NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Secs. 33 thru 36;
Lots 3 thru 6, U.S. Survey No. 2625;
Lot 6, U.S. Survey No. 5845;
U.S. Survey No. 10551.
- T. 27 S., R. 24 E.,
Secs. 9, excepting U.S. Survey No. 13980;
Secs. 10 and 15;
Secs. 16, excepting U.S. Survey No. 13980.
- T. 23 S., R. 25 E.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22
thru 27, and secs. 34, 35, and 36,
unsurveyed.
- T. 20 S., R. 27 E., unsurveyed,
Secs. 1 thru 18.
- T. 22 S., R. 28 E.,
Secs. 26.
- T. 23 S., R. 28 E.,
Secs. 2, 11, 14, and 15.
- T. 27 S., R. 28 E., unsurveyed,
Secs. 1, 2, and 3;
Secs. 4, excepting U.S. Survey No. 5837;
Secs. 5 thru 8;
Secs. 9, excepting U.S. Survey No. 5837;
Secs. 10 thru 36.
- T. 28 S., R. 28 E., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22
thru 27, and secs. 34, 35, and 36.
- T. 29 S., R. 28 E., unsurveyed,
Secs. 1, 2, and 3.
- T. 23 S., R. 29 E.,
Secs. 28.
- T. 28 S., R. 29 E., unsurveyed,
Secs. 4 thru 9 and secs. 16 thru 36.
- T. 29 S., R. 29 E., unsurveyed.
Tps. 18 and 19 S., R. 30 E., unsurveyed.
- T. 23 S., R. 30 E.,
Secs. 26 thru 29 and secs. 32 thru 35.
- T. 28 S., R. 30 E., unsurveyed,
Secs. 31 thru 36.
- T. 29 S., R. 30 E., unsurveyed.
- T. 28 S., R. 31 E., unsurveyed,
Sec. 31.
- T. 29 S., R. 31 E., unsurveyed.
- Seward Meridian, Alaska**
- T. 33 N., R. 17 W., unsurveyed,
Secs. 13 thru 28;
Secs. 29 and 30, excepting U.S. Survey No.
6258;
Secs. 31 thru 36.
- T. 33 N., R. 18 W., unsurveyed.
- T. 33 N., R. 19 W., unsurveyed,
Secs. 13 thru 16;
Sec. 17, excepting U.S. Survey No. 6439;
Secs. 18 and 19;
Sec. 20, excepting U.S. Survey No. 6439;
Secs. 21 thru 36.
- T. 33 N., R. 20 W., unsurveyed.
- T. 34 N., R. 20 W., unsurveyed,
Secs. 31 thru 34,
Sec. 35, excepting U.S. Survey No. 6314.
- T. 32 N., R. 21 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22
thru 27, and secs. 34, 35, and 36.
- T. 33 N., R. 21 W., unsurveyed,
Secs. 19 thru 36.
- T. 33 N., R. 22 W., unsurveyed,
Secs. 19 thru 36.
- T. 28 N., R. 23 W.,
Sec. 7.
- T. 33 N., R. 23 W., unsurveyed,
Secs. 19 thru 36.
- Tps. 29 and 30 N., R. 26 W., unsurveyed.
- T. 31 N., R. 26 W., unsurveyed.
- T. 32 N., R. 26 W., unsurveyed,
Secs. 4 thru 9 and 16 thru 36.
- Tps. 27 thru 32 N., R. 27 W., unsurveyed.
- Tps. 27 thru 30 N., R. 28 W., unsurveyed.
- T. 31 N., R. 28 W., unsurveyed,
Sec. 1;
Secs. 2 and 3, excepting U.S. Survey No.
12629;
Secs. 4 thru 9;
Secs. 10 and 11, excepting U.S. Survey No.
12629;
Secs. 12 thru 36.
- T. 32 N., R. 28 W., unsurveyed,
Secs. 1 and 2;
Sec. 3, excepting lot 1, U.S. Survey No.
8017;
Sec. 4, excepting lots 1 and 2, U.S. Survey
No. 8017;
Sec. 5, excepting lots 2, 3, and 4, U.S.
Survey No. 8017;
Secs. 6 thru 36.
- Tps. 26 thru 30 N., R. 29 W., unsurveyed.
- T. 25 N., R. 30 W., unsurveyed.
- T. 26 N., R. 30 W., unsurveyed,
Secs. 1 thru 16;
Sec. 17, excepting lot 1, U.S. Survey No.
12581;
Sec. 18;
Secs. 19, excepting lot 2, U.S. Survey No.
12581;
Sec. 20, excepting lots 1 and 2, U.S. Survey
No. 12581;
Secs. 21 thru 36.
- Tps. 27, 28, and 29 N., R. 30 W., unsurveyed.
- T. 13 N., R. 31 W.,
Those portions within regional selection
applications AA-9345, AA-11749, AA-
11750, and AA-11754 excluded from
Tentative Approval 1981-0146, Serial
No. F-15369, dated September 25, 1981;
U.S. Survey No. 14323.
- Tps. 25 thru 29 N., R. 31 W., unsurveyed.
- T. 32 N., R. 31 W., unsurveyed,
Secs. 17 and 18.
- T. 12 N., R., 32 W., unsurveyed,
Secs. 1, 2, and 3;
Sec. 4, excepting U.S. Survey No. 6968;
Secs. 8 thru 36.
- T. 13 N., R. 32 W., unsurveyed,
Secs. 2, 3, and 4;
Sec. 5, excepting U.S. Survey No. 14322;
Secs. thru 11, secs. 15 thru 21, and secs.
25, 29, 30, 31, 35, and 36;
U.S. Survey No. 14322.
- T. 14 N., R. 32 W.,
Secs. 1 thru 29.
- T. 15 N., R. 32 W., unsurveyed.
- T. 16 N., R. 32 W., unsurveyed,
Secs. 4 thru 9 and 16 thru 36.
- T. 17 N., R. 32 W., unsurveyed.
- Tps. 18 thru 21 N., R. 32 W., unsurveyed.
- T. 25 N., R. 32 W., unsurveyed.
- T. 26 N., R. 32 W., unsurveyed,
Secs. 1 thru 23;
Secs. 24 and 25, excepting U.S. Survey No.
8056;
- Secs. 26 thru 36.
- Tps. 27 thru 30 N., R. 32 W., unsurveyed.
- T. 12 N., R. 33 W., unsurveyed,
Secs. 3 thru 9, sec. 18, secs. 23 thru 29, and
secs. 31 thru 36.
- T. 13 N., R. 33 W., unsurveyed.
- T. 14 N., R. 33 W.,
Secs. 1 thru 6, secs. 8 thru 16, secs. 19, 23,
24, and secs. 28 thru 33.
- Tps. 15 and 16 N., R. 33 W., unsurveyed.
- T. 17 N., R. 33 W., unsurveyed,
Secs. 21 thru 27 and secs. 34 and 35.
- T. 18 N., R. 33 W., unsurveyed,
Secs. 4, 5, 6, 31, and 32.
- T. 19 N., R. 33 W., unsurveyed,
Secs. 1 thru 26;
Sec. 27, excepting U.S. Survey No. 12572;
Secs. 28 thru 36.
- Tps. 20, 21, and 25 thru 29 N., R. 33 W.,
unsurveyed.
- T. 32 N., R. 33 W.,
Secs. 25 thru 36.
- T. 33 N., R. 33 W.,
Lots 1 and 3, U.S. Survey No. 2646.
- T. 12 N., R. 34 W., unsurveyed,
Secs. 1 thru 14;
Secs. 15 and 16, excepting U.S. Survey No.
7025;
Secs. 17, 18, and 32 thru 36.
- T. 13 N., R. 34 W., unsurveyed.
- T. 14 N., R. 34 W.,
Sec. 8 and 9, Secs. 13 thru 17, Secs. 20 thru
29, and Secs. 31 thru 36.
- T. 17 N., R. 34 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 22, and secs.
25 thru 29.
- T. 18 N., R. 34 W., unsurveyed,
Secs. 1 thru 11, secs. 14 thru 23, and secs.
25 thru 36.
- Tps. 19 thru 22 N., R. 34 W., unsurveyed.
- T. 23 N., R. 34 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 16, and secs.
20 thru 36.
- T. 24 N., R. 34 W., unsurveyed,
Secs. 5 and 6.
- Tps. 25 thru 28 N., R. 34 W., unsurveyed.
- T. 30 N., R. 34 W.,
Tracts A and B.
- T. 31 N., R. 34 W.,
Sec. 9;
Sec. 31, lot 2;
Secs. 32 and 33.
- T. 12 N., R. 35 W., unsurveyed,
Secs. 1 thru 18;
Sec. 19, excluding Public Land Order No.
1142;
Secs. 20 thru 24;
Secs. 27, 28 and 29;
Sec. 30, excluding Public Land Order No.
1142.
- T. 13 N., R. 35 W.,
Secs. 1 and 2, secs. 10 thru 16, and secs.
19 thru 36.
- T. 14 N., R. 35 W.,
Sec. 36.
- T. 17 N., R. 35 W.,
Sec. 1, excepting U.S. Survey No. 9403,
unsurveyed;
Secs. 2 thru 15 and secs. 22, 23, 24, and
27, unsurveyed.
- T. 18 N., R. 35 W., unsurveyed,
Secs. 1 thru 27,
Secs. 28 and 29, excepting U.S. Survey No.
13814;
Secs. 30 thru 36.
- Tps. 19, and 20 N., R. 35 W., unsurveyed.

- T. 21 N., R. 35 W., unsurveyed,
Secs. 1 thru 24;
Sec. 25, excepting U.S. Survey No. 12533;
Secs. 26 thru 35;
Sec. 36, excepting U.S. Survey No. 12533.
- T. 22 N., R. 35 W., unsurveyed,
Secs. 1, 2, and 6, secs. 10 thru 16, and secs. 19 thru 36.
- T. 23 N., R. 35 W., unsurveyed,
Secs. 1, 2, 11, 31, 32, and 33.
- T. 24 N., R. 35 W., unsurveyed,
Secs. 1 thru 26 and Secs. 30, 35, and 36.
- Tps. 25 and 26 N., R. 35 W., unsurveyed.
- T. 30 N., R. 35 W.,
Tracts A thru E.
- T. 31 N., R. 35 W.,
Sec. 12, lot 1.
- T. 33 N., R. 35 W.,
Secs. 3 and 4.
- T. 34 N., R. 35 W.,
Sec. 31;
Sec. 32, lots 2, 3, 4, and 6.
Sec. 33, lots 1, 3, 8, and 9;
Sec. 34, 35, and 36.
- T. 12 N., R. 36 W., unsurveyed,
Secs. 1 thru 22;
Secs. 23, 24, and 25, excluding Public Land Order No. 1142;
Sec. 26, excluding Public Land Order No. 1472;
Secs. 27 thru 33.
- T. 13 N., R. 36 W.,
Secs. 24 thru 36.
- T. 16 N., R. 36 W.,
Secs. 2 thru 11, secs. 14 thru 23, and secs. 27 and 28.
- Tps. 17, 18, and 19 N., R. 36 W., unsurveyed.
- T. 20 N., R. 36 W., unsurveyed,
Secs. 5 and 6, secs. 11 thru 15, secs. 19 thru 29, and secs. 33 thru 36.
- T. 21 N., R. 36 W., unsurveyed,
Secs. 1 thru 35.
- T. 22 N., R. 36 W., unsurveyed,
Secs. 1 thru 12 and secs. 15 thru 20.
- T. 23 N., R. 36 W., unsurveyed,
Secs. 1 thru 11, secs. 14 thru 23, and secs. 26 thru 36.
- Tps. 24 and 25 N., R. 36 W., unsurveyed.
- T. 26 N., R. 36 W., partly unsurveyed,
Secs. 1, 2, 3, secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
- T. 33 N., R. 36 W.,
Sec. 11, lot 2;
Secs. 12, 13, 14, 23, and 24.
- Tps. 17, 18, and 19 N., R. 37 W., unsurveyed.
- T. 20 N., R. 37 W., unsurveyed,
Secs. 1 thru 4 and secs. 10 and 11;
Secs. 19, 24, 30, 31, and 32;
U.S. Survey No. 14317.
- T. 21 N., R. 37 W., unsurveyed,
Secs. 8 thru 17, secs. 21 thru 27, and secs. 35 and 36.
- T. 22 N., R. 37 W., unsurveyed,
Secs. 1 thru 24.
- T. 23 N., R. 37 W.,
Secs. 1, 2, 3, secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36, unsurveyed;
Tract A, that portion within sec. 9,
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 24 N., R. 37 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36,
unsurveyed.
- T. 18 N., R. 38 W.,
Secs. 18, 19, and 20.
- T. 21 N., R. 38 W.,
Secs. 1, 2, 6 and 7, secs. 11 thru 15, sec. 18, secs. 25 thru 29, and secs. 32 thru 36.
- T. 22 N., R. 38 W.,
Secs. 4 thru 8, secs. 13 and 14, secs. 17 thru 20, and secs. 24, 25, 30, and 31.
- T. 18 N., R. 39 W.,
Sec. 9, secs. 13 thru 17, and sec. 24.
- T. 20 N., R. 39 W.,
Sec. 1.
- Tps. 21 and 22 N., R. 39 W., unsurveyed.
- T. 23 N., R. 39 W.,
Secs. 19, 20, and 21, and secs. 28 thru 33,
unsurveyed.
- T. 26 N., R. 39 W.,
Secs. 4 thru 9 and secs. 16, 17, and 18,
unsurveyed.
- T. 27 N., R. 39 W.
- T. 19 N., R. 40 W.,
Sec. 18.
- Tps. 21 and 22 N., R. 40 W., unsurveyed.
- T. 23 N., R. 40 W.,
Secs. 4 thru 9 and secs. 16 thru 36,
unsurveyed.
- T. 24 N., R. 40 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33, unsurveyed.
- T. 25 N., R. 40 W.,
Secs. 1, 2, and 3, and secs. 9 thru 36,
unsurveyed.
- T. 26 N., R. 40 W.,
Secs. 1, 2, and 12, unsurveyed;
tract B.
- T. 27 N., R. 40 W., unsurveyed,
Secs. 1 thru 32 and secs. 35 and 36.
- T. 20 N., R. 41 W.,
Secs. 1 and 2, secs. 11 thru 14, secs. 23 and 24.
- Tps. 21 thru 24 N., R. 41 W., unsurveyed.
- T. 25 N., R. 41 W.,
Secs. 22 thru 28, and secs. 33 thru 36,
unsurveyed;
Tract B.
- T. 26 N., R. 41 W.,
Tract A.
- T. 27 N., R. 41 W.,
Secs. 1 thru 6, secs. 9 thru 16, secs. 21 thru 26, and secs. 35 and 36, unsurveyed;
tract C.
- T. 20 N., R. 42 W.,
Secs. 1 thru 24 and secs. 26 thru 34.
- Tps. 21, 22 and 23 N., R. 42 W., unsurveyed.
- T. 24 N., R. 42 W., unsurveyed,
Secs. 1 thru 9;
Sec. 10, excepting Survey No. 12623;
Secs. 11 thru 36.
- T. 25 N., R. 42 W., unsurveyed,
Secs. 15 and 16, and secs. 20 thru 36,
unsurveyed.
- T. 26 N., R. 42 W. unsurveyed,
Secs. 25, 26, 27, 34, 35, and 36.
- T. 27 N., R. 42 W.,
Secs. 1 thru 5, unsurveyed.
- T. 17 N., R. 43 W.,
Lot 6, U.S. Survey No. 9533.
- T. 18 N., R. 43 W.,
Sec. 31.
- T. 19 N., R. 43 W.,
Secs. 1 thru 18, secs. 20 thru 29.
- T. 20 N., R. 43 W.,
T. 21 N., R. 43 W.,
Secs. 1 thru 5, secs. 9 thru 15, secs 22 thru 27, and secs. 34, 35, and 36.
- Tps. 22 and 23 N., R. 43 W., unsurveyed.
- T. 24 N., R. 43 W., unsurveyed,
Secs. 1 thru 14;
Sec. 13, excepting lot 1, U.S. Survey No. 13670;
- Secs. 14 thru 22;
Sec. 23, excepting lot 2, U.S. Survey No. 13670;
Sec. 24, excepting U.S. Survey No. 13670;
Secs. 25 thru 36.
- T. 25 N., R. 43 W., unsurveyed,
Secs. 2 thru 9, secs. 17 and 18, and secs. 33 thru 36.
- T. 26 N., R. 43 W., unsurveyed,
Secs. 2 thru 11, secs. 14 thru 23, and secs. 27 thru 34.
- T. 27 N., R. 43 W.,
Secs. 2 thru 11, secs. 14 thru 23, and secs. 26 thru 36.
- T. 18 N., R. 44 W.,
Secs. 5 thru 8 and secs. 17, 18, and 36.
- T. 19 N., R. 44 W.,
Sec. 5, excepting U.S. Survey No. 9428;
Secs. 6, 7, and 8;
U.S. Survey Nos. 13450 and 14428.
- T. 21 N., R. 44 W.,
Secs. 3 thru 10, secs. 14 thru 23, and 26 thru 35.
- T. 22 N., R. 44 W.,
Secs. 1 thru 4, secs. 8 thru 17, and secs. 20 thru 26.
- T. 23 N., R. 44 W.,
Secs. 1 thru 21;
Secs. 22 and 23, excepting U.S. Survey No. 13687;
Secs. 24 thru 27, secs. 29, 30, 34, 35, and 36.
- T. 24 N., R. 44 W.,
Secs. 1, 12, and 13, and secs. 19 thru 36,
unsurveyed.
- T. 25 N., R. 44 W., unsurveyed,
Secs. 1 thru 19 and secs. 30 and 31.
- Tps. 26 and 27 N., R. 44 W., unsurveyed.
- T. 17 N., R. 45 W.,
Secs. 5 thru 8 and secs. 16 thru 36.
- T. 18 N., R. 45 W.,
Secs. 1 thru 24 and secs. 26 thru 34.
- T. 19 N., R. 45 W.,
Secs. 4 thru 9, secs. 18 and 19, secs. 23 thru 26, and secs. 30 thru 36.
- T. 21 N., R. 45 W.,
T. 22 N., R. 45 W.,
Secs. 25 thru 28 and secs. 33 thru 36.
- T. 23 N., R. 45 W.,
Secs. 1 thru 19, secs. 22 thru 27, and secs. 34, 35, and 36.
- T. 24 N., R. 45 W.,
Secs. 3 thru 10 and secs. 13 thru 36,
unsurveyed.
- Tps. 25, 26, and 27 N., R. 45 W., unsurveyed.
- T. 17 N., R. 46 W.,
Tps. 18 and 19 N., R. 46 W., unsurveyed.
- T. 20 N., R. 46 W.,
Secs. 5, 6, 15, 16, 18, 21, and secs. 28 thru 33.
- T. 22 N., R. 46 W.,
Secs. 2 thru 11, secs. 17 thru 23, and secs. 27 thru 30.
- T. 23 N., R. 46 W.,
Secs. 1 thru 35.
- T. 24 N., R. 46 W., unsurveyed.
- T. 25 N., R. 46 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, and secs. 19 thru 36.
- T. 30 N., R. 46 W.,
Sec. 4, that portion within the native allotment application F-17434, Parcel B, excluded from TA 1975-0078, Serial No. F-15319, dated August 8, 1975.
- Tps. 19 and 20 N., R. 47 W., unsurveyed.
- T. 21 N., R. 47 W.,

- Secs. 1 thru 22 and secs. 35 and 36.
Tps. 22 and 23 N., R. 47 W.
- T. 24 N., R. 47 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, secs. 21 thru 29, and secs. 32 thru 36.
- T. 25 N., R. 47 W., unsurveyed,
Sec. 6.
- T. 10 N., R. 48 W.,
U.S. Survey No. 12631.
- T. 19 N., R. 48 W., unsurveyed.
- T. 20 N., R. 48 W.,
Secs. 1, 2, secs. 11 thru 15, and secs. 19 thru 36.
- T. 22 N., R. 48 W.,
Secs. 1, 2, and 3, secs. 10 thru 16, secs. 21 thru 30, and secs. 32 thru 36.
- T. 23 N., R., 48 W.,
Secs. 13 and 14, secs. 23 thru 26, and secs. 35 and 36.
- T. 25 N., R. 48 W., unsurveyed,
Secs. 1 thru 15.
- T. 26 N., R. 48 W., unsurveyed,
Secs. 3 thru 10, secs. 15 thru 22, and secs. 27 thru 36.
- T. 27 N., R. 48 W., unsurveyed,
Secs. 4 thru 8, secs. 17 thru 21, and secs. 28 thru 33.
- T. 20 N., R. 49 W.,
Secs. 8 and 9, secs. 16 thru 21, and secs. 25, 34, 35 and 36.
- T. 21 N., R. 49 W.,
Secs. 4, 5, 7, 8 and 9, secs. 15 thru 23 and secs. 26 thru 33.
- T. 22 N., R. 49 W.,
Sec. 25.
- T. 25 N., R. 49 W., unsurveyed,
Secs. 1 thru 12, secs. 15 thru 21, and secs. 28 thru 32.
- T. 26 and 27 N., R. 49 W., unsurveyed.
- T. 17 N., R. 50 W.,
Secs. 1 thru 4, secs. 7 thru 10, and secs. 15 thru 18.
- T. 18 N., R. 50 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 and 29.
- T. 19 N., R. 50 W.,
Secs. 1 thru 4, secs. 9 thru 17, and secs. 20, 21, 28, 29, 32, and 33.
- T. 20 N., R. 50 W., unsurveyed,
Secs. 33 thru 36.
- T. 21 N., R. 50 W.,
Secs. 18, 19, 20, and secs. 29 thru 32.
- T. 22 N., R. 50 W.,
Secs. 6 thru 10, secs. 15 thru 22, and secs. 27 thru 31.
- T. 24 N., R. 50 W., unsurveyed,
Secs. 3 thru 9 and secs. 17, 18, and 19.
- Tps. 25, 26 and 27 N., R. 50 W., unsurveyed.
- T. 18 N., R. 51 W.,
Secs. 6, 7, 18, and 19.
- T. 19 N., R. 51 W.,
Secs. 5 thru 8 and secs. 17, 18, 19, and 31.
- T. 20 N., R. 51 W., unsurveyed,
Secs. 1 thru 24 and secs. 30 and 31.
- Tps. 21 thru 27 N., R. 51 W., unsurveyed.
- T. 18 N., R. 52 W.,
Secs. 1, 2, and 3, secs. 5 thru 8, secs. 10 thru 15, secs. 17 thru 20, secs. 22 thru 27, secs. 29 thru 32, and secs. 34, 35, and 36.
- T. 19 N., R. 52 W.,
Secs. 1 thru 24 and secs. 26 thru 32.
- Tps. 20 through 24 N., R. 52 W., unsurveyed.
- T. 25 N., R. 52 W., unsurveyed,
Secs. 1 thru 18, secs. 21 thru 28, and secs. 33 thru 36.
- Tps. 26, 27, 29, and 30 N., R. 52 W.,
unsurveyed.
- T. 17 N., R. 53 W.,
Secs. 1, 2, and 3;
Sec. 6, lot 1;
Secs. 11, 12, 21, 22, and 23, and secs. 25 thru 36.
- T. 18 N., R. 53 W.,
Secs. 1 thru 4, secs. 6 and 7, secs. 9 thru 16, sec. 18, secs. 21 thru 28, and secs. 33 thru 36.
- T. 19 N., R. 53 W.,
Secs. 1 thru 20 and secs. 22 thru 27, secs. 29, 30, and 31, and secs. 34, 35, and 36.
- Tps. 20 thru 23 N., R. 53 W., unsurveyed.
- T. 24 N., R. 53 W., unsurveyed,
Secs. 1, 12, 13, 14, and 19, and secs. 23 thru 36.
- T. 25 N., R. 53 W.,
Secs. 1 thru 22 and secs. 27 thru 34, unsurveyed.
- Tps. 26, 27, 28, and 30 N., R. 53 W.,
unsurveyed.
- T. 17 N., R. 54 W.,
Secs. 20, 22, and 23, and secs. 25 thru 36.
- T. 18 N., R. 54 W.,
Secs. 1, 2, and 3, secs. 10 thru 15, and secs. 22 and 23.
- T. 19 N., R. 54 W.,
Secs. 1 thru 30 and secs. 34, 35, and 36.
- T. 20 N., R. 54 W., unsurveyed.
- T. 21 N., R. 54 W., unsurveyed,
Secs. 1 thru 14, and sec. 18, secs. 23 thru 27, 34, 35, and 36.
- Tps. 22 and 23 N., R. 54 W., unsurveyed.
- T. 24 N., R. 54 W., unsurveyed,
Secs. 1 thru 10 and secs. 24 thru 36.
- Tps. 25, 26, and 27 N., R. 54 W., unsurveyed.
- T. 29 N., R. 54 W., unsurveyed,
Secs. 1 thru 28;
Secs. 29 and 30, excepting U.S. Survey No. 6623;
Secs. 31 thru 36.
- T. 31 N., R. 54 W.,
Secs. 1, 2, 3, and 7;
Secs. 8 and 9, excepting U.S. Survey No. 13856;
Secs. 10 thru 16, secs. 21 thru 29, and secs. 32 thru 36.
- T. 18 N., R. 55 W.,
Secs. 4, 5, 8, and 9.
- T. 19 N., R. 55 W.,
Secs. 1, 2, 5, and 8, secs. 10 thru 16, secs. 21 thru 28, and secs. 32 and 33.
- T. 20 N., R. 55 W.,
Tract A, those lands within sec. 1, secs. 11 thru 14, and sec. 36.
- T. 21 N., R. 55 W., unsurveyed,
Secs. 1 thru 5, secs. 8 thru 17, secs. 20 thru 29, and secs. 32 thru 35.
- T. 22 N., R. 55 W., unsurveyed,
Secs. 1 thru 30 and secs. 32 thru 36.
- T. 24 N., R. 55 W.,
Secs. 1 thru 12 and secs. 14, 15, 22, 23, 26, and 27.
- T. 26 N., R. 55 W.,
Secs. 1, 2, and 3, secs. 9 thru 16, secs. 21 thru 28, and secs. 33 thru 36.
- T. 27 N., R. 55 W., unsurveyed,
Secs. 1 thru 4;
Sec. 5, excepting U.S. Survey No. 6579;
Sec. 6, excepting U.S. Survey Nos. 6579 and 7136;
Secs. 7 thru 16;
Sec. 17, excepting U.S. Survey No. 13425;
Sec. 18, excepting U.S. Survey Nos. 13425 and 13647;
- Sec. 19, excepting U.S. Survey No. 13647;
Secs. 20 thru 36.
- T. 28 N., R. 55 W.,
Secs. 1 thru 4, secs. 9 thru 17, secs. 19 thru 28;
Sec. 29, lots 5 and 8;
Secs. 32 thru 36.
- T. 13 N., R. 56 W., unsurveyed,
Secs. 1, 2, and 12, secs. 16 thru 22, and secs. 27 thru 30.
- T. 14 N., R. 56 W., unsurveyed,
Secs. 13, 14, 18, 19, and 20, secs. 23 thru 28, and secs. 34, 35, and 36.
- T. 18 N., R. 56 W.,
Sec. 2, secs. 5 thru 8, secs. 17 thru 20, and secs. 29 and 30.
- T. 19 N., R. 56 W.,
Secs. 1, 2, 3, 6, 7, 10, 11, 12, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, and 35.
- T. 20 N., R. 56 W., unsurveyed,
Secs. 1, 2, 3, 6, and 7, secs. 10 thru 15, secs. 18 and 19, secs. 22 thru 27, secs. 30, 31, 34, 35, and 36.
- T. 21 N., R. 56 W., unsurveyed,
Secs. 2 thru 7;
Sec. 8, excepting U.S. Survey No. 13849;
Secs. 9 and 10;
Sec. 11, excepting U.S. Survey No. 7334;
Secs. 14 thru 23, and secs. 26 thru 34.
- T. 23 N., R. 56 W.,
Secs. 13 thru 20, secs. 23, 24, and 25, secs. 29 thru 33, and sec. 36.
- T. 25 N., R. 56 W.,
Secs. 1 thru 18.
- T. 27 N., R. 56 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 9602;
Secs. 2 thru 10;
Sec. 11, excepting U.S. Survey No. 13971;
Secs. 12 and 13;
Sec. 14, excepting U.S. Survey No. 13971;
Secs. 15 thru 36.
- T. 29 N., R. 56 W.,
Secs. 1 thru 24 and secs. 28 thru 34.
- T. 31 N., R. 56 W.,
Secs. 1, 2, 3, 10, 11, and 12, and secs. 17 thru 36.
- T. 13 N., R. 57 W., unsurveyed,
Secs. 1 thru 35.
- T. 14 N., R. 57 W., unsurveyed,
Secs. 13 and 14.
- T. 18 N., R. 57 W., unsurveyed,
Secs. 1 thru 26;
Sec. 27, N¹/₂;
Sec. 28, N¹/₂;
Sec. 29, N¹/₂;
Sec. 30, N¹/₂.
- T. 19 N., R. 57 W.
- T. 20 N., R. 57 W., unsurveyed.
- T. 21 N., R. 57 W., unsurveyed,
Secs. 1 thru 5;
Secs. 6 and 7, excepting U.S. Survey No. 7242;
Secs. 8 thru 11;
Secs. 12 and 13, excepting U.S. Survey No. 13945;
Secs. 14 thru 26;
Secs. 27 and 28, excepting U.S. Survey No. 7308;
Secs. 29 thru 36.
- T. 22 N., R. 57 W., unsurveyed.
- T. 26 N., R. 57 W., unsurveyed,
Secs. 1 thru 25;
Secs. 26 and 27, excepting U.S. Survey No. 6607;
Secs. 28 thru 36.
- T. 27 N., R. 57 W., unsurveyed,

- Sec. 1, excepting U.S. Survey No. 6577;
Sec. 2;
Secs. 3 and 4, excepting U.S. Survey No. 9504;
Sec. 5;
Sec. 6, excepting U.S. Survey No. 7654;
Sec. 7, excepting lot 2, U.S. Survey No. 7654;
Sec. 8;
Secs. 9 and 10, excepting U.S. Survey No. 9504;
Secs. 11 thru 36.
T. 28 N., R. 57 W.,
Secs. 1 thru 18;
Sec. 19, excepting U.S. Survey No. 13429;
Secs. 20 thru 29;
Sec. 30, excepting U.S. Survey No. 13429;
Secs. 31 thru 36.
T. 30 N., R. 57 W.,
T. 31 N., R. 57 W.,
Secs. 7 and 18.
T. 34 N., R. 57 W.,
Secs. 31, 32, and 33.
T. 13 N., R. 58 W., unsurveyed.
T. 14 N., R. 58 W., unsurveyed,
Secs. 13 thru 36.
T. 18 N., R. 58 W.,
Secs. 1 thru 24.
T. 19 N., R. 58 W.
T. 20 N., R. 58 W., unsurveyed.
T. 21 N., R. 58 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, secs. 23 thru 26, and secs. 35 and 36.
T. 23 N., R. 58 W.,
Secs. 13 thru 16 and secs. 20 thru 36.
T. 25 N., R. 58 W.,
Secs. 1, 12, and 13.
T. 27 N., R. 58 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 7654;
Secs. 2, 3, and 4;
Sec. 5, excepting U.S. Survey No. 9601;
Secs. 6 and 7;
Sec. 8, excepting U.S. Survey No. 9601;
Secs. 9, 10, and 11;
Sec. 12, excepting lot 2, U.S. Survey No. 7654;
Secs. 13 thru 17;
Sec. 18, excepting lot 1, U.S. Survey No. 6576;
Secs. 19 and 20;
Sec. 21, excepting U.S. Survey No. 9565;
Secs. 22 thru 27;
Sec. 28, excepting lot 1, U.S. Survey No. 9565;
Secs. 29 thru 36.
T. 29 N., R. 58 W.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 31 N., R. 58 W.,
Secs. 3 thru 9;
Sec. 10, lot 4;
Secs. 17 thru 20, and secs. 30 and 31.
T. 33 N., R. 58 W., unsurveyed.
T. 9 N., R. 59 W.,
Tracts A and B.
T. 10 N., R. 59 W.,
Tract A, those portions within secs. 6 and 7, secs. 17 thru 21, and secs. 27 thru 36.
T. 12 N., R. 59 W.,
Tract A.
T. 13 N., R. 59 W., unsurveyed,
Secs. 23, 24, 25, and 36.
T. 17 N., R. 59 W.,
Secs. 1 thru 4.
Tps. 18 and 19 N., R. 59 W.
T. 20 N., R. 59 W., unsurveyed,
Secs. 23 thru 26, and secs. 31 thru 36.
T. 24 N., R. 59 W.,
Sec. 1;
Sec. 2, excepting U.S. Survey Nos. 12385 and 14176;
Sec. 3, excepting U.S. Survey No. 14176;
Secs. 4 thru 36.
T. 25 N., R. 59 W., unsurveyed,
Secs. 1 thru 11;
Sec. 12, excepting U.S. Survey No. 6555;
Secs. 13 thru 24;
Sec. 25, excepting U.S. Survey No. 6554 and lot 1, U.S. Survey No. 13510;
Sec. 26, excepting U.S. Survey No. 13510;
Secs. 27 thru 34;
Sec. 35, excepting lot 2, U.S. Survey No. 13510;
Sec. 36, excepting U.S. Survey Nos. 7282 and 10403.
T. 26 N., R. 59 W., unsurveyed.
T. 27 N., R. 59 W., unsurveyed,
Secs. 1 and 2, excepting U.S. Survey No. 6620;
Secs. 3 thru 10;
Sec. 11, excepting lot 2, U.S. Survey No. 6576;
Sec. 12;
Secs. 13, U.S. Survey No. 6576;
Sec. 14, excepting lot 2, U.S. Survey No. 6576;
Secs. 15 thru 36.
T. 28 N., R. 59 W.,
Secs. 19, 20, and 21;
Sec. 25, lots 3 and 4;
Sec. 26 thru 36.
T. 30 N., R. 59 W.,
Sec. 1, secs. 3 thru 10, and sec. 12.
T. 32 N., R. 59 W., unsurveyed.
T. 34 N., R. 59 W., unsurveyed,
Sec. 31;
Sec. 32, excepting U.S. Survey No. 6589;
Secs. 33 thru 36.
T. 6 N., R. 60 W., unsurveyed,
Secs. 1 thru 4 and secs. 9 thru 12.
T. 7 N., R. 60 W., unsurveyed,
Secs. 1 thru 4 and sec. 6;
Sec. 7, N¹/₂ and SW¹/₄;
Secs. 9 thru 16, secs 21 thru 28, and secs. 33 thru 36.
T. 8 N., R. 60 W.,
Tract A.
T. 9 N., R. 60 W., unsurveyed.
T. 10 N., R. 60 W.,
Sec. 19;
Tract A.
T. 18 N., R. 60 W.,
Secs. 1 and 12.
T. 19 N., R. 60 W.,
Secs. 1, 2, and 3, secs. 9 thru 16, secs. 21 thru 28, and sec. 36.
T. 20 N., R. 60 W., unsurveyed,
Secs. 25, 26, 34, 35, and 36.
T. 22 N., R. 60 W., unsurveyed,
Secs. 1 thru 22;
Sec. 23, excepting lot 2, U.S. Survey No. 7860;
Sec. 24;
Sec. 25, excepting U.S. Survey No. 14343;
Sec. 26, excepting U.S. Survey Nos. 4141, 7860, and 14464;
Sec. 27, excepting lot 1, U.S. Survey No. 7860;
Secs. 28 thru 30;
Sec. 31, that portion lying north of the right bank of the Yukon River;
U.S. Survey No. 14343.
Tps. 23 thru 26 N., R. 60 W., unsurveyed.
T. 27 N., R. 60 W., unsurveyed,
Secs. 1 thru 10;
Secs. 11, excepting lots 1 and 2, U.S. Survey No. 13972;
Sec. 12, excepting lot 1, U.S. Survey No. 13972;
Secs. 13 thru 36.
T. 28 N., R. 60 W.,
Secs. 2 and 11.
T. 29 N., R. 60 W.
T. 31 N., R. 60 W., unsurveyed.
T. 33 N., R. 60 W., unsurveyed,
Secs. 1 thru 16;
Sec. 17, excepting U.S. Survey No. 6444;
Secs. 18 thru 28;
Sec. 29, excepting U.S. Survey No. 6590;
Secs. 30 and 31;
Sec. 32, excepting U.S. Survey No. 6590;
Secs. 33 thru 36.
T. 34 N., R. 60 W., unsurveyed.
T. 7 N., R. 61 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 15, and secs. 22, 23, 26, 27, 34, and 35.
T. 8 N., R. 61 W., unsurveyed,
Secs. 1 thru 4 and secs. 9 thru 15, secs. 22 thru 27, and secs. 34, 35, and 36.
T. 9 N., R. 61 W., unsurveyed,
Secs. 1 and 2, secs. 11 thru 14, secs. 23 thru 26, and secs. 35 and 36.
T. 10 N., R. 61 W.,
Tract A.
T. 12 N., R. 61 W.,
Tract A.
T. 22 N., R. 61 W., unsurveyed,
Secs. 1 thru 30;
Secs. 31 thru 36, those portions north of the left bank of the Yukon River.
Tps. 23 thru 27 N., R. 61 W., unsurveyed.
T. 28 N., R. 61 W., unsurveyed,
Secs. 1 thru 15;
Sec. 16, excepting U.S. Survey No. 9438;
Secs. 17 thru 20,
Sec. 21, excepting U.S. Survey No. 9438;
Secs. 22, 23, and 24;
Sec. 25, excepting U.S. Survey No. 6642;
Secs. 26 thru 36.
Tps. 29 and 30 N., R. 61 W., unsurveyed.
T. 31 N., R. 61 W., unsurveyed,
Secs. 1 and 2;
Sec. 3, excepting U.S. Survey No. 6631;
Secs. 4 thru 21;
Sec. 22, excepting U.S. Survey No. 6629;
Secs. 23 thru 26;
Sec. 27, excepting U.S. Survey Nos. 6629 and 6674;
Secs. 28 thru 33;
Sec. 34, excepting U.S. Survey No. 6674;
Secs. 35 and 36.
T. 32 N., R. 61 W., unsurveyed,
Secs. 1 thru 9;
Sec. 10, excepting U.S. Survey No. 6402;
Secs. 11 thru 14;
Sec. 15, excepting U.S. Survey No. 6402;
Secs. 16 thru 20;
Secs. 21 and 22, excepting U.S. Survey No. 6634;
Secs. 23 thru 36.
Tps. 33 and 34 N., R. 61 W., unsurveyed.
T. 22 N., R. 62 W., unsurveyed,
Secs. 1 thru 7;
Sec. 8, that portion lying north of the right bank of Tuckers Slough excepting lot 2, U.S. Survey No. 14114;
Sec. 9, that portion lying north and east of the right bank of Tuckers Slough excepting lots 1 and 2, U.S. Survey No. 14114;

- Secs. 10 thru 14;
Secs. 15 thru 18, and sec. 22, those portions north and east of the right bank of Tuckers Slough;
Secs. 23, 24, and 25;
Secs. 26, 35, and 36, those portions lying north and east of the right bank of Tuckers Slough.
Tps. 23 and 24 N., R. 62 W., unsurveyed.
T. 25 N., R. 62 W., unsurveyed,
Secs. 1 thru 12;
Secs. 13 and 14, excepting U.S. Survey No. 6553;
Secs. 15 thru 22;
Secs. 23 and 24, excepting U.S. Survey No. 6553;
Secs. 25 thru 36.
T. 26 N., R. 62 W., unsurveyed.
T. 27 N., R. 62 W., unsurveyed,
Sec. 1;
Sec. 2, excepting lot 2, U.S. Survey No. 6692;
Sec. 3, excepting U.S. Survey No. 6692;
Secs. 4 thru 36.
T. 28 N., R. 62 W., unsurveyed,
Secs. 1 thru 29;
Secs. 30 and 31, excepting U.S. Survey No. 5644;
Sec. 32, excepting U.S. Survey No. 13636;
Sec. 33;
Sec. 34, excepting U.S. Survey No. 6692;
Sec. 35, excepting lot 2, U.S. Survey No. 6692;
Sec. 36.
Tps. 29 thru 34 N., R. 62 W., unsurveyed.
T. 22 N., R. 63 W., unsurveyed,
Secs. 1 thru 12;
Secs. 13, that portion lying north and west of the right bank of Tuckers Slough;
Sec. 14, that portion lying north and west of the right bank of Tuckers Slough excepting lot 3, U.S. Survey No. 7194;
Sec. 15, excepting lot 3, U.S. Survey No. 7184;
Secs. 16, 17, and 18;
Sec. 19, that portion lying north and west of the right bank of Tuckers Slough excepting U.S. Survey No. 7194;
Secs. 20 and 21, those portions lying north and west of the right bank of Tuckers Slough;
Secs. 22 and 23, those portions lying north and west of the right bank of Tuckers Slough excepting lot 3 U.S. Survey No. 7194;
Sec. 30, those portions lying north and west of the right bank of Tuckers Slough.
Tps. 23 thru 29 N., R., 63 W., unsurveyed.
T. 30 N., R. 63 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 6628;
Secs. 2 thru 19;
Secs. 20 and 21, excepting U.S. Survey No. 6632;
Secs. 22 thru 27;
Secs. 28 and 29, excepting U.S. Survey No. 6632;
Secs. 30 thru 36.
T. 31 N., R. 63 W., unsurveyed,
Secs. 1 thru 35;
Sec. 36, excepting U.S. Survey No. 6628.
T. 32 N., R. 63 W., unsurveyed,
Secs. 1 thru 22;
Sec. 23, excepting U.S. Survey No. 6630;
Secs. 24 and 25;
Sec. 26, excepting U.S. Survey No. 6630;
Secs. 27 thru 36.
T. 33 N., R. 63 W., unsurveyed,
Secs. 1 and 2, secs. 11 thru 14, secs. 22 thru 28, and secs. 33 thru 36.
T. 34 N., R. 63 W., unsurveyed,
Secs. 35 and 36.
T. 21 N., R. 64 W.,
Secs. 4 thru 8.
T. 22 N., R. 64 W.,
Secs. 1 thru 24 and secs. 27 thru 34.
T. 23 N., R. 64 W.,
Secs. 1 thru 12, and secs. 18, 19, and 36.
Tps. 24 and 25 N., R. 64 W., unsurveyed.
T. 26 N., R. 64 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 17, secs. 20 thru 29, and secs. 31 thru 36.
T. 27, and 28 N., R. 64 W., unsurveyed.
T. 29 N., R. 64 W., unsurveyed,
Sec. 5;
Sec. 6, S¹/₂;
Secs. 7 thru 36.
T. 30 N., R. 64 W., unsurveyed,
Secs. 1, 2, and 3, secs. 11 thru 14, secs. 22 thru 27, and secs. 33 thru 36.
T. 31 N., R. 64 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, secs. 22 thru 27 and secs. 34, 35, and 36.
T. 32 N., R. 64 W., unsurveyed,
Secs. 1 thru 4, secs. 9 thru 16, secs. 21 thru 28, and secs. 33 thru 36.
T. 21 N., R. 65 W.,
Secs. 1, 2, 6, 7, 10, 11, and 12.
T. 22 N., R. 65 W.,
Secs. 1 thru 26, and secs. 30, 31, 35, and 36.
T. 23 N., R. 65 W.,
Secs. 1 thru 24, and secs. 27 and 28.
T. 24 N., R. 65 W., unsurveyed.
T. 25 N., R. 65 W., unsurveyed,
Secs. 1, 2, and 6, secs. 10 thru 15, and secs. 21 thru 36.
T. 27 N., R. 65 W., unsurveyed,
Secs. 1 thru 27 and secs. 30, 34, 35, and 36.
T. 28 N., R. 65 W., unsurveyed.
T. 29 N., R. 65 W., unsurveyed,
Sec. 16, S¹/₂;
Secs. 20 and 21;
Sec. 22, W¹/₂ and SE¹/₄;
Secs. 25 thru 29;
Sec. 30, E¹/₂ and SW¹/₄;
Secs. 31 thru 36.
T. 21 N., R. 66 W.,
Secs. 1, 2, 6, 11, and 12.
T. 22 N., R. 66 W.,
Secs. 1 thru 32 and secs. 35 and 36.
Tps. 23 and 24 N., R. 66 W.
T. 25 N., R. 66 W., unsurveyed,
Sec. 1, secs. 5 thru 8, and secs. 11 thru 30;
Sec. 31, N¹/₂;
Secs. 32 thru 36.
T. 26 N., R. 66 W., unsurveyed,
Secs. 2 thru 10, secs. 15 thru 22, and secs. 27 thru 33.
Tps. 27 and 28 N., R. 66 W., unsurveyed.
T. 29 N., R. 66 W., unsurveyed,
Sec. 36, E¹/₂ and SW¹/₄.
T. 18 N., R. 67 W.,
Sec. 6.
T. 19 N., R. 67 W.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
T. 20 N., R. 67 W.,
Sec. 1, that portion excluded from Interim Conveyance No. 2223 and 2224 as FLPMA Lease AA-59715;
Secs. 19, 20, and 21, and secs. 28 thru 33.
T. 21 N., R. 67 W.,
Secs. 1, 2, and 3.
T. 22 N., R. 67 W.,
Secs. 1 thru 31 and secs. 34, 35, and 36.
T. 23 N., R. 67 W., unsurveyed,
Secs. 1 and 2;
Sec. 3, S¹/₂;
Sec. 8, S¹/₂;
Sec. 9, S¹/₂;
Secs. 10 thru 17;
Sec. 18, S¹/₂;
Secs. 19 thru 36.
T. 24 N., R. 67 W., unsurveyed,
Secs. 1 and 2;
Sec. 3; E¹/₂;
Sec. 10, E¹/₂;
Secs. 11 thru 14;
Sec. 15, E¹/₂;
Sec. 22, NE¹/₄;
Sec. 23, N¹/₂;
Sec. 24.
T. 18 N., R. 68 W.,
Secs. 1 thru 12 and secs. 17 and 18;
Sec. 24, lot 2.
T. 19 N., R. 68 W.
T. 20 N., R. 68 W.,
Secs. 1 and 12 and secs. 21 thru 36.
T. 21 N., R. 68 W.,
Secs. 5 and 8.
T. 22 N., R. 68 W.,
Secs. 1 thru 4, secs. 9 thru 16, secs. 21 thru 28, and secs. 35 and 36.
T. 23 N., R. 68 W., unsurveyed,
Sec. 13, S¹/₂;
Sec. 14, SE¹/₄;
Sec. 22, E¹/₂;
Secs. 23 thru 26;
Sec. 27, E¹/₂;
Sec. 34, E¹/₂;
Secs. 35 and 36.
T. 18 N., R. 69 W.,
Secs. 1 thru 21, and secs. 29 and 30.
T. 19 N., R. 69 W.,
Secs. 1 thru 15, sec. 18, secs. 23 thru 26, and secs. 35 and 36.
T. 20 N., R. 69 W.,
Secs. 1 thru 5, secs. 25 thru 29, and secs. 31 thru 36.
T. 18 N., R. 70 W.,
Sec. 2, that portion outside the boundary of the Yukon Delta National Wildlife Refuge;
Sec. 12, lots 12 and 15;
Sec. 13;
Sec. 15, lot 6;
Secs. 24 and 25.
T. 19 N., R. 70 W.,
Secs. 1, 12, and 13.
T. 20 N., R. 70 W.,
Sec. 36.
T. 8 N., R. 72 W.,
Lot 1, U. S. Survey No. 4383.
The areas described aggregate approximately 13,314,736 acres.

East Alaska RMP**Copper River Meridian, Alaska**

- T. 6 N., R. 1 E.,
Sec. 17, lot 25;
Sec. 18, lot 20.
T. 1 N., R. 2 E.,
Sec. 30, lots 4 thru 17 and E¹/₂SW¹/₄.
T. 8 N., R. 3 E.,
Sec. 11, lots 2 thru 7 and lots 10 thru 16;
Sec. 14, lots 3 and 4;
Sec. 23, lot 2;

SE¹/₄SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
 NE¹/₄NE¹/₄NE¹/₄SW¹/₄SE¹/₄,
 S¹/₂SW¹/₄NE¹/₄SW¹/₄SE¹/₄,
 SW¹/₄SE¹/₄NE¹/₄SW¹/₄SE¹/₄,
 W¹/₂NE¹/₄NW¹/₄SW¹/₄SE¹/₄,
 W¹/₂NW¹/₄SW¹/₄SE¹/₄,
 W¹/₂SE¹/₄NW¹/₄SW¹/₄SE¹/₄,
 SE¹/₄SE¹/₄NW¹/₄SW¹/₄SE¹/₄,
 N¹/₂NE¹/₄SW¹/₄SW¹/₄SE¹/₄,
 N¹/₂NW¹/₄SW¹/₄SW¹/₄SE¹/₄,
 SW¹/₄NW¹/₄SW¹/₄SW¹/₄SE¹/₄,
 W¹/₂SW¹/₄SW¹/₄SW¹/₄SE¹/₄,
 NW¹/₄NE¹/₄SE¹/₄SW¹/₄SE¹/₄,
 SE¹/₄NE¹/₄SE¹/₄SW¹/₄SE¹/₄,
 N¹/₂NW¹/₄SE¹/₄SW¹/₄SE¹/₄,
 N¹/₂NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 SE¹/₄NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 E¹/₂SE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NE¹/₄NW¹/₄SE¹/₄SE¹/₄,
 SW¹/₄NE¹/₄NW¹/₄SE¹/₄SE¹/₄,
 N¹/₂NW¹/₄NW¹/₄SE¹/₄SE¹/₄,
 SE¹/₄NW¹/₄NW¹/₄SE¹/₄SE¹/₄,
 E¹/₂SW¹/₄NW¹/₄SE¹/₄SE¹/₄,
 W¹/₂SE¹/₄NW¹/₄SE¹/₄SE¹/₄,
 W¹/₂NE¹/₄SW¹/₄SE¹/₄SE¹/₄,
 NE¹/₄NW¹/₄SW¹/₄SE¹/₄SE¹/₄,
 S¹/₂NW¹/₄SW¹/₄SE¹/₄SE¹/₄, and
 E¹/₂NE¹/₄SE¹/₄SE¹/₄SE¹/₄, excepting
 SE¹/₄SE¹/₄NW¹/₄SW¹/₄,
 W¹/₂SW¹/₄SW¹/₄NE¹/₄SW¹/₄, U.S. Survey
 No. 8722, U.S. Survey No. 8855, U.S.
 Survey No. 8875, U.S. Survey No. 8957,
 U.S. Survey No. 9727, and U.S. Survey
 No. 11240;

Sec. 35, NE¹/₄, N¹/₂NE¹/₄NW¹/₄,
 E¹/₂SW¹/₄NE¹/₄NW¹/₄, SE¹/₄NE¹/₄NW¹/₄,
 NW¹/₄NW¹/₄, S¹/₂NW¹/₄, NE¹/₄NE¹/₄SW¹/₄,
 E¹/₂NW¹/₄NE¹/₄SW¹/₄,
 E¹/₂NW¹/₄NW¹/₄NE¹/₄SW¹/₄,
 E¹/₂SW¹/₄NW¹/₄NE¹/₄SW¹/₄,
 S¹/₂NE¹/₄SW¹/₄,
 W¹/₂NE¹/₄NE¹/₄NW¹/₄SW¹/₄,
 W¹/₂NE¹/₄NW¹/₄SW¹/₄,
 W¹/₂SE¹/₄NE¹/₄NW¹/₄SW¹/₄,
 NW¹/₄NW¹/₄SW¹/₄, N¹/₂SW¹/₄NW¹/₄SW¹/₄,
 W¹/₂SW¹/₄SW¹/₄NW¹/₄SW¹/₄,
 E¹/₂SE¹/₄SW¹/₄NW¹/₄SW¹/₄,
 SE¹/₄NW¹/₄SW¹/₄, N¹/₂NE¹/₄SW¹/₄SW¹/₄,
 SE¹/₄NE¹/₄SW¹/₄SW¹/₄,
 E¹/₂NE¹/₄NW¹/₄SW¹/₄SW¹/₄,
 W¹/₂NW¹/₄NW¹/₄SW¹/₄SW¹/₄,
 S¹/₂NW¹/₄SW¹/₄SW¹/₄,
 N¹/₂SW¹/₄SW¹/₄SW¹/₄,
 E¹/₂SE¹/₄SE¹/₄SW¹/₄SW¹/₄, N¹/₂SE¹/₄SW¹/₄,
 NE¹/₄SW¹/₄SE¹/₄SW¹/₄,
 W¹/₂SW¹/₄SW¹/₄SE¹/₄SW¹/₄,
 N¹/₂SE¹/₄SE¹/₄SW¹/₄, N¹/₂SE¹/₄,
 N¹/₂SW¹/₄SE¹/₄, N¹/₂SW¹/₄SW¹/₄SE¹/₄,
 E¹/₂SW¹/₄SW¹/₄SW¹/₄SE¹/₄,
 SE¹/₄SW¹/₄SW¹/₄SE¹/₄, SE¹/₄SW¹/₄SE¹/₄,
 N¹/₂SE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄, and
 N¹/₂SE¹/₄SE¹/₄SE¹/₄;

Sec. 36, lots 1 and 2, E¹/₂NE¹/₄,
 N¹/₂NW¹/₄NE¹/₄,
 E¹/₂NE¹/₄SW¹/₄NW¹/₄NE¹/₄,
 E¹/₂NE¹/₄SW¹/₄SW¹/₄NW¹/₄NE¹/₄,
 E¹/₂SE¹/₄SW¹/₄SW¹/₄NW¹/₄NE¹/₄,
 SE¹/₄SW¹/₄NW¹/₄NE¹/₄, SE¹/₄NW¹/₄NE¹/₄,
 NE¹/₄NE¹/₄SW¹/₄NE¹/₄,
 S¹/₂NE¹/₄SW¹/₄NE¹/₄,
 NE¹/₄NW¹/₄NW¹/₄SW¹/₄NE¹/₄,
 S¹/₂NW¹/₄NW¹/₄SW¹/₄NE¹/₄,
 S¹/₂NW¹/₄SW¹/₄NE¹/₄,
 W¹/₂SW¹/₄SW¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄,
 NE¹/₄NE¹/₄NE¹/₄NW¹/₄,

S¹/₂NE¹/₄NE¹/₄NW¹/₄, W¹/₂NE¹/₄NW¹/₄,
 W¹/₂NE¹/₄SE¹/₄NE¹/₄NW¹/₄,
 W¹/₂SE¹/₄NE¹/₄NW¹/₄,
 W¹/₂NW¹/₄SE¹/₄SE¹/₄NE¹/₄NW¹/₄,
 W¹/₂SW¹/₄SE¹/₄SE¹/₄NE¹/₄NW¹/₄,
 W¹/₂NW¹/₄, W¹/₂NE¹/₄NE¹/₄SE¹/₄NW¹/₄,
 SE¹/₄NE¹/₄NE¹/₄SE¹/₄NW¹/₄,
 W¹/₂NE¹/₄SE¹/₄NW¹/₄,
 SE¹/₄NE¹/₄SE¹/₄NW¹/₄, W¹/₂SE¹/₄NW¹/₄,
 SE¹/₄SE¹/₄NW¹/₄, W¹/₂NW¹/₄NE¹/₄SW¹/₄,
 N¹/₂NW¹/₄SW¹/₄NE¹/₄SW¹/₄, NW¹/₄SW¹/₄,
 N¹/₂NE¹/₄NE¹/₄SW¹/₄SW¹/₄,
 N¹/₂NW¹/₄NE¹/₄SW¹/₄SW¹/₄,
 N¹/₂NW¹/₄NW¹/₄SW¹/₄SW¹/₄,
 N¹/₂NW¹/₄NW¹/₄SW¹/₄SW¹/₄,
 S¹/₂SE¹/₄NE¹/₄SE¹/₄, S¹/₂SW¹/₄NE¹/₄SE¹/₄,
 SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
 NE¹/₄NE¹/₄SW¹/₄SE¹/₄,
 S¹/₂NE¹/₄SW¹/₄SE¹/₄,
 S¹/₂NW¹/₄SW¹/₄SE¹/₄, S¹/₂SW¹/₄SE¹/₄,
 N¹/₂NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 SE¹/₄NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 S¹/₂SW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 NE¹/₄SE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 S¹/₂SE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 S¹/₂NE¹/₄SW¹/₄SE¹/₄,
 S¹/₂SW¹/₄SE¹/₄SE¹/₄,
 N¹/₂NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 SE¹/₄NE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 S¹/₂SW¹/₄NE¹/₄SE¹/₄SE¹/₄,
 NE¹/₄SE¹/₄NE¹/₄SE¹/₄SE¹/₄,
 N¹/₂NE¹/₄NW¹/₄SE¹/₄SE¹/₄,
 S¹/₂SE¹/₄NE¹/₄SE¹/₄SE¹/₄, and
 S¹/₂SE¹/₄SE¹/₄;

T. 11 N., R. 9 E.,
 Sec. 7, the land lying between U.S. Survey
 No. 5046 and the centerline of the Glenn
 Highway.

T. 12 N. R. 9 E.,
 Sec. 12, N¹/₂NE¹/₄, NE¹/₄SW¹/₄NE¹/₄,
 N¹/₂NW¹/₄SW¹/₄NE¹/₄,
 SE¹/₄NW¹/₄SW¹/₄NE¹/₄, SW¹/₄SW¹/₄NE¹/₄,
 N¹/₂SE¹/₄SW¹/₄NE¹/₄,
 SW¹/₄SE¹/₄SW¹/₄NE¹/₄, N¹/₂SE¹/₄NE¹/₄,
 W¹/₂NE¹/₄SW¹/₄SE¹/₄NE¹/₄,
 NW¹/₄SW¹/₄SE¹/₄NE¹/₄,
 S¹/₂SW¹/₄SE¹/₄NE¹/₄,
 E¹/₂NE¹/₄SE¹/₄SE¹/₄NE¹/₄,
 N¹/₂NE¹/₄NE¹/₄NW¹/₄,
 SE¹/₄NE¹/₄NE¹/₄NW¹/₄,
 N¹/₂NW¹/₄NE¹/₄NW¹/₄,
 SW¹/₄NW¹/₄NE¹/₄NW¹/₄, S¹/₂NE¹/₄NW¹/₄,
 NW¹/₄NW¹/₄, N¹/₂NE¹/₄SW¹/₄NW¹/₄,
 W¹/₂SW¹/₄NW¹/₄, E¹/₂SE¹/₄SW¹/₄NW¹/₄,
 N¹/₂NE¹/₄SE¹/₄NW¹/₄,
 SW¹/₄NE¹/₄SE¹/₄NW¹/₄, NW¹/₄SE¹/₄NW¹/₄,
 S¹/₂SE¹/₄NW¹/₄, N¹/₂SW¹/₄,
 N¹/₂SW¹/₄SW¹/₄, E¹/₂SW¹/₄SW¹/₄SW¹/₄,
 SE¹/₄SW¹/₄SW¹/₄, SE¹/₄SW¹/₄,
 N¹/₂NE¹/₄SE¹/₄, E¹/₂NE¹/₄SW¹/₄NE¹/₄SE¹/₄,
 S¹/₂SW¹/₄NE¹/₄SE¹/₄, SE¹/₄NE¹/₄SE¹/₄,
 W¹/₂NE¹/₄NW¹/₄SE¹/₄,
 SE¹/₄NE¹/₄NW¹/₄SE¹/₄, W¹/₂NW¹/₄SE¹/₄,
 W¹/₂NE¹/₄SE¹/₄NW¹/₄SE¹/₄,
 NW¹/₄SE¹/₄NW¹/₄SE¹/₄,
 S¹/₂SE¹/₄NW¹/₄SE¹/₄, N¹/₂SW¹/₄SE¹/₄,
 W¹/₂SW¹/₄SW¹/₄SE¹/₄, SE¹/₄SW¹/₄SE¹/₄,
 N¹/₂SE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄, and
 SW¹/₄SE¹/₄SE¹/₄SE¹/₄;

Sec. 13, W¹/₂NE¹/₄NE¹/₄NE¹/₄,
 SE¹/₄NE¹/₄NE¹/₄NE¹/₄,
 N¹/₂NW¹/₄NE¹/₄NE¹/₄,
 N¹/₂NE¹/₄SW¹/₄NW¹/₄NE¹/₄NE¹/₄,
 N¹/₂NW¹/₄SW¹/₄NW¹/₄NE¹/₄NE¹/₄,
 N¹/₂NE¹/₄NW¹/₄NE¹/₄NE¹/₄,
 SE¹/₄SE¹/₄NW¹/₄NE¹/₄NE¹/₄,
 NE¹/₄NE¹/₄SW¹/₄NE¹/₄NE¹/₄,

S¹/₂NE¹/₄SW¹/₄NE¹/₄NE¹/₄,
 S¹/₂SE¹/₄NW¹/₄SW¹/₄NE¹/₄NE¹/₄,
 S¹/₂SW¹/₄NW¹/₄SW¹/₄NE¹/₄NE¹/₄,
 S¹/₂SW¹/₄NE¹/₄NE¹/₄, SE¹/₄NE¹/₄NE¹/₄,
 NE¹/₄NW¹/₄NE¹/₄, E¹/₂NW¹/₄NW¹/₄NE¹/₄,
 N¹/₂NW¹/₄NW¹

- NE¹/₄NE¹/₄NE¹/₄NW¹/₄SE¹/₄,
NW¹/₄NE¹/₄NW¹/₄NW¹/₄SE¹/₄,
S¹/₂NE¹/₄NW¹/₄NW¹/₄SE¹/₄,
W¹/₂NW¹/₄NW¹/₄SE¹/₄,
SE¹/₄NW¹/₄NW¹/₄SE¹/₄, SW¹/₄NW¹/₄SE¹/₄,
S¹/₂NE¹/₄SE¹/₄NW¹/₄SE¹/₄,
S¹/₂NW¹/₄SE¹/₄NW¹/₄SE¹/₄,
S¹/₂SE¹/₄NW¹/₄SE¹/₄, SW¹/₄SE¹/₄,
S¹/₂NE¹/₄SE¹/₄SE¹/₄, W¹/₂SE¹/₄SE¹/₄, and
SE¹/₄SE¹/₄SE¹/₄;
- Sec. 27, NE¹/₄, E¹/₂NE¹/₄NW¹/₄,
E¹/₂NW¹/₄NE¹/₄NW¹/₄,
E¹/₂SW¹/₄NE¹/₄NW¹/₄,
W¹/₂NE¹/₄NW¹/₄NW¹/₄, W¹/₂NW¹/₄NW¹/₄,
N¹/₂NE¹/₄SE¹/₄NW¹/₄NW¹/₄,
SW¹/₄NE¹/₄SE¹/₄NW¹/₄NW¹/₄,
W¹/₂SE¹/₄NW¹/₄NW¹/₄,
S¹/₂NE¹/₄NE¹/₄SW¹/₄NW¹/₄,
W¹/₂NE¹/₄SW¹/₄NW¹/₄,
SE¹/₄NE¹/₄SW¹/₄NW¹/₄, W¹/₂SW¹/₄NW¹/₄,
SE¹/₄SW¹/₄NW¹/₄, NE¹/₄SE¹/₄NW¹/₄,
NE¹/₄NW¹/₄SE¹/₄NW¹/₄,
S¹/₂NW¹/₄NW¹/₄SE¹/₄NW¹/₄,
S¹/₂NW¹/₄SE¹/₄NW¹/₄, S¹/₂SE¹/₄NW¹/₄,
and S¹/₂;
- Sec. 32, lot 1;
Secs. 34 and 35;
- Sec. 36, E¹/₂NE¹/₄NE¹/₄NE¹/₄,
W¹/₂NE¹/₄NE¹/₄, SE¹/₄NE¹/₄NE¹/₄,
N¹/₂NW¹/₄NE¹/₄, SW¹/₄NW¹/₄NE¹/₄,
N¹/₂SE¹/₄NW¹/₄NE¹/₄,
N¹/₂SW¹/₄SE¹/₄NW¹/₄NE¹/₄,
SE¹/₄SE¹/₄NW¹/₄NE¹/₄,
E¹/₂NE¹/₄SW¹/₄NE¹/₄,
S¹/₂SW¹/₄NE¹/₄SW¹/₄NE¹/₄,
W¹/₂SW¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄,
SE¹/₄NE¹/₄, NE¹/₄NW¹/₄,
N¹/₂NE¹/₄NW¹/₄NW¹/₄,
SE¹/₄NE¹/₄NW¹/₄NW¹/₄, W¹/₂NW¹/₄NW¹/₄,
NE¹/₄SE¹/₄NW¹/₄NW¹/₄,
S¹/₂SE¹/₄NW¹/₄NW¹/₄, S¹/₂NW¹/₄, SW¹/₄,
NE¹/₄NE¹/₄SE¹/₄, N¹/₂NW¹/₄NE¹/₄SE¹/₄,
N¹/₂SW¹/₄NW¹/₄NE¹/₄SE¹/₄,
N¹/₂SE¹/₄NW¹/₄NE¹/₄SE¹/₄,
S¹/₂SW¹/₄SW¹/₄NE¹/₄SE¹/₄,
S¹/₂SE¹/₄SW¹/₄NE¹/₄SE¹/₄,
N¹/₂NE¹/₄SE¹/₄NE¹/₄SE¹/₄,
N¹/₂NW¹/₄SE¹/₄NE¹/₄SE¹/₄,
S¹/₂SW¹/₄SE¹/₄NE¹/₄SE¹/₄,
S¹/₂SE¹/₄SE¹/₄NE¹/₄SE¹/₄, N¹/₂NW¹/₄SE¹/₄,
N¹/₂NE¹/₄SW¹/₄NW¹/₄SE¹/₄,
SW¹/₄NE¹/₄SW¹/₄NW¹/₄SE¹/₄,
W¹/₂SW¹/₄NW¹/₄SE¹/₄,
NW¹/₄SE¹/₄SW¹/₄NW¹/₄SE¹/₄,
S¹/₂SE¹/₄SW¹/₄NW¹/₄SE¹/₄,
N¹/₂NE¹/₄SE¹/₄NW¹/₄SE¹/₄,
SE¹/₄NE¹/₄SE¹/₄NW¹/₄SE¹/₄,
N¹/₂NW¹/₄SE¹/₄NW¹/₄SE¹/₄,
S¹/₂SW¹/₄SE¹/₄NW¹/₄SE¹/₄,
NE¹/₄SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
S¹/₂SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
N¹/₂NE¹/₄SW¹/₄SE¹/₄,
E¹/₂SE¹/₄NE¹/₄SW¹/₄SE¹/₄,
N¹/₂NW¹/₄SW¹/₄SE¹/₄,
SW¹/₄NW¹/₄SW¹/₄SE¹/₄,
W¹/₂SE¹/₄NW¹/₄SW¹/₄SE¹/₄,
SW¹/₄SW¹/₄SE¹/₄, N¹/₂SE¹/₄SW¹/₄SE¹/₄,
and SE¹/₄SE¹/₄.
- T. 14 N., R. 9 E.,
Tract D, those portions within secs. 20 thru
26 and secs. 28 and 29.
- T. 12 N., R. 10 E.
- T. 11 N., R. 12 E., unsurveyed,
Secs. 1, 2, 11, and 12.
- T. 12 N., R. 12 E.,
Tract A, that portion within secs. 4 thru 9,
secs. 16 thru 22, and secs. 26, 35, and 36.
- T. 13 N., R. 12 E.,
Tract A, that portion within secs. 1 thru 5,
secs. 8 thru 15, and secs. 22 and 23.
- T. 14 N., R. 12 E.,
Tract A.
- T. 11 N., R. 13 E., unsurveyed,
Sec. 5, excepting U.S. Survey No. 2547;
Sec. 6;
Secs. 7, 8, and 18, excepting U.S. Survey
No. 2547.
- T. 12 N., R. 13 E., unsurveyed,
Secs. 31 and 32, excepting U.S. Survey No.
2547.
- T. 13 N., R. 13 E., unsurveyed,
Sec. 6, excepting U.S. Survey No. 2547.
- T. 14 N., R. 13 E., unsurveyed,
Secs. 17 thru 20 and secs. 30 and 31,
excepting U.S. Survey No. 2547.
- T. 1 N., R. 1 W.,
Secs. 1 thru 5 and secs. 7 thru 36.
- T. 4 N., R. 1 W.,
Sec. 19, lots 114 and 116;
Sec. 29, NW¹/₄.
- T. 5 N., R. 1 W.,
Sec. 19, S¹/₂SE¹/₄NE¹/₄SE¹/₄,
NE¹/₄SE¹/₄SE¹/₄, and N¹/₂SE¹/₄SE¹/₄SE¹/₄;
Sec. 20, S¹/₂SW¹/₄NW¹/₄SW¹/₄,
NW¹/₄SW¹/₄SW¹/₄, N¹/₂SW¹/₄SW¹/₄SW¹/₄,
and S¹/₂SE¹/₄SE¹/₄SW¹/₄;
Sec. 29, N¹/₂NE¹/₄NE¹/₄NW¹/₄;
Sec. 34, lots 5, 6, 7, and 12.
- T. 6 N., R. 1 W.,
Sec. 2, lot 17;
Sec. 3, lots 1 and 2;
Block 4A, Tract E, U.S. Survey No. 4861.
- T. 7 N., R. 1 W.,
Sec. 2, N¹/₂NE¹/₄SW¹/₄ and N¹/₂NW¹/₄SW¹/₄;
Sec. 3, SW¹/₄NE¹/₄, NE¹/₄SW¹/₄, and
NW¹/₄SE¹/₄.
- T. 1 N., R. 2 W.,
Secs. 15, 16, 18, 19, 21, and 22, and secs.
28 thru 33.
- T. 4 N., R. 2 W.,
Sec. 20, lots 36, 39, 48, and 50, and lots
55 thru 59;
Sec. 22, lot 36;
Sec. 23, lots 29, 31, 32, and 35;
Sec. 24, lots 46, 53, 63, and 67, and lots
71 thru 74;
Sec. 29, lots 3, 9, 11, 13, 15, and 17.
Lot 2, U.S. Survey No. 10679.
- T. 10 N., R. 2 W., partly unsurveyed,
Tract A that portion within secs. 4 thru 9,
secs. 16 thru 21, and sec. 28;
Tract B.
- T. 11 N., R. 2 W., partly unsurveyed,
Tract B.
- T. 12 N., R. 2 W., partly unsurveyed,
Tract A, excepting U.S. Survey No. 14434
and that portion within Public Land
Order No. 225;
U.S. Survey No. 14434.
- T. 13 N., R. 2 W., partly unsurveyed,
Tract A, those portions within secs. 2, 11,
14, 23, 27, 32, and 34, excepting that
portion within Public Land Order No.
225;
Tract B, that portion within sec. 35,
excepting U.S. Survey No. 14433 and
that portion within Public Land Order
No. 225;
Lots 2 and 4, U.S. Survey No. 2696;
Lots 1 and 2, U.S. Survey No. 2698;
Lot 1, U.S. Survey No. 2699;
- U.S. Survey No. 4031;
U.S. Survey No. 4206;
U.S. Survey No. 14433.
- T. 14 N., R. 2 W., unsurveyed,
Sec. 35, excepting that portion within
Public Land Order No. 225.
- T. 1 N., R. 3 W.,
Secs. 2 thru 36.
- T. 2 N., R. 3 W.,
Secs. 22, 25, 26, and 27, and secs. 31 thru
35.
- T. 8 N., R. 3 W.,
Secs. 1 thru 9, secs. 16 thru 20, and secs.
30 and 31.
- T. 9 N., R. 3 W., partly unsurveyed,
Tract A that portion within secs. 8, 31, and
32.
- T. 10 N., R. 3 W., partly unsurveyed,
Tract B.
- T. 12 N., R. 3 W., partly unsurveyed,
Tract B, those portions within secs. 2, 6,
and 7, secs. 11 thru 14, and secs. 18, 19,
22, 23, 30, and 31.
- T. 13 N., R. 3 W., partly unsurveyed,
Tracts A and B.
- T. 14 N., R. 3 W., unsurveyed,
Secs. 31 thru 36.
- T. 1 N., R. 4 W., unsurveyed,
Secs. 20, 28, 29, 32, and 33.
- T. 4 N., R. 4 W.,
Lot 2, U.S. Survey No. 3732.
- T. 7 N., R. 4 W.,
Lot 1, U.S. Survey No. 5674.
- T. 9 N., R. 4 W., partly unsurveyed,
Tract A, those portions within secs. 12 and
13;
Tract B.
- T. 10 N., R. 4 W., partly unsurveyed,
Tract B, that portion within sec. 28.
- T. 12 N., R. 4 W., unsurveyed,
Secs. 1, 2, and 3, secs. 10 thru 14, and secs.
23 and 24.
- T. 13 N., R. 4 W., partly unsurveyed,
Tract A, that portion within secs. 7, 8, and
9, secs. 14 thru 30, and secs. 33 thru 36,
Tracts B, C, and D.
- T. 14 N., R. 4 W., partly unsurveyed,
Tract A.
- T. 1 N., R. 5 W.,
Secs. 25 and 36.
- T. 4 N., R. 5 W.,
Tract A, that portion within sec. 30, the
land lying between U.S. Survey No. 3121
and the centerline of the Glenn Highway.
- T. 12 N., R. 5 W., unsurveyed,
Secs. 19, 20, and 21, and secs. 28 thru 33.
- T. 13 N., R. 5 W., partly unsurveyed,
Tract A, that portion within secs. 4 thru 9
and secs. 13 thru 18 excepting U.S.
Survey No. 14337;
Tracts B, C and D.
- T. 14 N., R. 5 W., partly unsurveyed,
Tract A.
- T. 2 N., R. 6 W.,
Sec. 3;
Sec. 4, lot 1.
- T. 11 N., R. 6 W., partly unsurveyed,
Tract A that portion within secs. 4, 5, 23,
25, and 26.
- T. 12 N., R. 6 W., unsurveyed,
Secs. 19 thru 36.
- T. 13 N., R. 6 W., unsurveyed,
Secs. 1 thru 18.
- T. 14 N., R. 6 W., unsurveyed.
- T. 2 N., R. 7 W.,
Secs. 2, 11, and 12.

- T. 3 N., R. 7 W.,
Lots 3 and 7, U.S. Survey No. 4680.
- T. 7 N., R. 7 W.,
Tract A, that portion of secs. 20, 21, 28, and 29, formerly within PLO 1537 and that portion of lot 11, U.S. Survey No. 3495, formerly within PLO 1537, all excluded from TA 1982-0027.
- T. 11 N., R. 7 W., partly unsurveyed,
Tract B.
- T. 13 N., R. 7 W., unsurveyed,
Secs. 1 thru 18.
- T. 14 N., R. 7 W., unsurveyed,
Secs. 32 thru 36.
- T. 2 N., R. 8 W.,
Lot 2, U.S. Survey No. 3336A.
- T. 3 N., R. 8 W.,
Lots 2 and 3, U.S. Survey No. 3336A.
- T. 4 N., R. 8 W.,
Tract A, those portions within secs. 10 thru 14 formerly within Native allotment applications AA-6973, AA-6974, and AA-7696, all excluded from TA 1982-0107.
- T. 8 N., R. 8 W.,
Lot 6, U.S. Survey No. 4586.
- T. 9 N., R. 8 W., unsurveyed,
Sec. 16, excepting lot 2, U.S. Survey No. 11529;
Sec. 21, excepting lots 1 and 2, U.S. Survey No. 11529;
U.S. Survey No. 11529.
- T. 10 N., R. 9 W., unsurveyed,
Secs. 33 and 34;
Sec. 36, excepting U.S. Survey No. 14339;
U.S. Survey No. 14339.
- T. 11 N., R. 9 W., unsurveyed,
Sec. 14.
- T. 12 N., R. 9 W., unsurveyed,
Secs. 14 thru 17, secs. 20 thru 23, secs. 26 thru 29, and secs. 32 thru 35.
- T. 1 S., R. 1 W.
- T. 8 S., R. 1 W., unsurveyed,
Secs. 19 thru 36.
- T. 9 S., R. 1 W.,
Secs. 1 thru 5, those portions lying outside the boundary of the Chugach National Forest, unsurveyed;
Sec. 6, unsurveyed;
Sec. 18, that portion lying outside the boundary of the Chugach National Forest, unsurveyed.
- T. 1 S., R. 2 W.,
Secs. 1, 5, 6, 7, 11, 15, 18, 22, 28, 29, and 31.
- T. 9 S., R. 2 W.,
Secs. 5 thru 11, partly unsurveyed;
Secs. 13 and 14, those portions lying outside the boundary of the Chugach National Forest, unsurveyed;
Secs. 15 thru 22, unsurveyed;
Secs. 23 and 26, those portions lying outside the boundary of the Chugach National Forest, unsurveyed;
Secs. 27 thru 34, unsurveyed;
Sec. 35, that portion lying outside the boundary of the Chugach National Forest, unsurveyed.
- T. 1 S., R. 4 W., unsurveyed,
Sec. 20;
Sec. 28, excepting lot 3, U.S. Survey No. 11066;
Secs. 29 and 32;
Sec. 33, excepting U.S. Survey No. 6726 and U.S. Survey No. 11066.
- T. 3 S., R. 4 W., unsurveyed,
Sec. 19.
- T. 8 S., R. 4 W., unsurveyed.
- T. 2 S., R. 5 W., unsurveyed,
Secs. 1 thru 5 and secs. 8 thru 12.
- T. 10 S., R. 5 W., unsurveyed,
Sec. 1, excepting U.S. Survey No. 14130;
Secs. 2 thru 29;
Secs. 30 thru 33, those portions lying outside the boundary of the Chugach National Forest;
Secs. 34, 35, and 36.
- T. 11 S., R. 5 W., unsurveyed,
Secs. 1 and 2;
Secs. 3 and 4 and secs. 10 thru 13, those portions lying outside the boundary of the Chugach National Forest.
- T. 10 S., R. 6 W., unsurveyed,
Secs. 1 thru 5;
Secs. 6, 7, and 8, those portions lying outside the boundary of the Chugach National Forest;
Sec. 9, excepting M.S. No. 1011;
Sec. 10, excepting M.S. Nos. 779 and 1011;
Secs. 11 thru 14;
Secs. 15, 16, and 17, and 22 thru 25, those portions lying outside the boundary of the Chugach National Forest.
- T. 8 S., R. 7 W.,
Secs. 1 thru 24;
Sec. 26, N¹/₂, SW¹/₄, N¹/₂SE¹/₄, and SW¹/₄SE¹/₄;
Secs. 27, 28, and 29;
Sec. 30, E¹/₂, E¹/₂NW¹/₄, and E¹/₂SW¹/₄;
Sec. 31, lots 1, 8, and 9, NE¹/₄NE¹/₄, and NE¹/₄NW¹/₄;
Sec. 32, lots 1 thru 11, E¹/₂NE¹/₄, SW¹/₄NW¹/₄, and NW¹/₄SW¹/₄;
Sec. 33, N¹/₂NE¹/₄, SW¹/₄NE¹/₄, and NW¹/₄;
Sec. 34, N¹/₂NW¹/₄;
M.S. No. 1038.
- T. 2 S., R. 8 W., unsurveyed,
Secs. 4 thru 9 and secs. 13 thru 36.
- T. 3 S., R. 8 W., unsurveyed,
Secs. 1 thru 12.
- T. 8 S., R. 8 W., partly unsurveyed,
Sec. 1;
Secs. 2 and 3, excepting M.S. No. 1533;
Secs. 4, 5, 7, and 8, those portions lying outside the boundary of the Chugach National Forest;
Sec. 9;
Sec. 10, excepting M.S. No. 1533;
Secs. 11 thru 17;
Secs. 18 and 19, those portions lying outside the boundary of the Chugach National Forest;
Secs. 20 and 29;
Secs. 30 and 31, those portions lying outside the boundary of the Chugach National Forest;
Secs. 32 and 33.
- T. 9 S., R. 8 W.,
Sec. 4, unsurveyed;
Secs. 5, 6, and 7, those portions lying outside the boundary of the Chugach National Forest, unsurveyed;
Secs. 8, 9, 10, 16, 17, and 18, unsurveyed.
- T. 2 S., R. 9 W., unsurveyed,
Secs. 1 thru 5, secs. 8 thru 17, secs. 20 thru 29, and sec. 36.
- T. 3 S., R. 9 W., unsurveyed,
Secs. 1 and 12.
- T. 8 S., R. 9 W., unsurveyed,
Secs. 24 and 25, those portions lying outside the boundary of the Chugach National Forest.
- T. 9 S., R. 9 W.,
Secs. 1 thru 4 and secs. 8 thru 12, those portions lying outside the boundary of the Chugach National Forest, unsurveyed;
Secs. 13 thru 16, partly unsurveyed;
Sec. 17, that portion lying outside the boundary of the Chugach National Forest, unsurveyed.
- T. 2 S., R. 10 W., unsurveyed,
Secs. 18, 19, 30, and 31.
- T. 2 S., R. 11 W., unsurveyed,
Secs. 13 and 14, secs. 23 thru 26, and secs. 35 and 36.
- T. 1 S., R. 1 E.,
Sec. 14, lots 10 and 15.
- T. 5 S., R. 1 E., unsurveyed,
Secs. 3 and 4.
- T. 8 S., R. 1 E., unsurveyed,
Secs. 19 and 20;
Secs. 21, 22, and 23, those portions lying outside the boundary of the Chugach National Forest;
Sec. 24;
Secs. 25, 26, 28, and 29, those portions lying outside the boundary of the Chugach National Forest;
Sec. 30;
Secs. 31, 32, and 33, those portions lying outside the boundary of the Chugach National Forest.
- T. 9 S., R. 1 E.,
Sec. 6, that portion lying outside the boundary of the Chugach National Forest, unsurveyed.
- T. 1 S., R. 2 E.,
Sec. 22, NW¹/₄NE¹/₄, NE¹/₄NE¹/₄SW¹/₄NE¹/₄, S¹/₂NE¹/₄SW¹/₄NE¹/₄, NW¹/₄NW¹/₄SW¹/₄NE¹/₄, S¹/₂NW¹/₄SW¹/₄NE¹/₄, S¹/₂SW¹/₄NE¹/₄, E¹/₂NE¹/₄NW¹/₄, E¹/₂NW¹/₄NE¹/₄NW¹/₄, E¹/₂SW¹/₄NE¹/₄NW¹/₄, E¹/₂NE¹/₄SE¹/₄NW¹/₄, and E¹/₂SE¹/₄SE¹/₄NW¹/₄;
Sec. 24, lot 3.
- T. 2 S., R. 2 E.,
Sec. 7, lots 6, 9, and 12;
Sec. 9, lots 1, 2, and 3, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, NW¹/₄SE¹/₄, and that portion lying right of the left bank of the Tonsina River, partly unsurveyed;
Sec. 10, lots 1, 2, 4, and 5, and that portion lying right of the left bank of the Tonsina River, partly unsurveyed;
Sec. 16, lots 1 and 2, and that portion lying right of the left bank of the Tonsina River, partly unsurveyed.
- T. 8 S., R. 2 E., unsurveyed,
Secs. 7 thru 24;
Secs. 25 thru 30 and sec. 36, those portions lying outside the boundary of the Chugach National Forest.
- T. 1 S., R. 3 E.,
Sec. 19, lots 7 and 8;
Lots 9A, 10, 11, and 12, U.S. Survey No. 3579.
- T. 8 S., R. 3 E.,
Sec. 3, that portion lying outside the boundary of Wrangell—St. Elias National Park, unsurveyed;
Secs. 6 and 7, unsurveyed;
Secs. 9, 16, 20, 28, and 29, those portions lying outside the boundary of Wrangell—St. Elias National Park, unsurveyed;
Secs. 32, 33, and 34, those portions lying outside the boundary of Wrangell—St.

- Elias National Park and Chugach National Forest, partly unsurveyed.
- T. 3 S., R. 4 E.,
Sec. 1, lot 6, excepting corrected IC Nos. 2291 and 2292;
Secs. 4 and 5, secs. 8 thru 11, secs. 14 thru 17, and secs. 20 thru 23.
- T. 3 S., R. 5 E.,
Lot 7, U.S. Survey No. 3550.
- T. 4 S., R. 5 E.,
Sec. 23, lot 1, excepting IC Nos. 947 and 948;
Sec. 24, lot 1, excepting IC Nos. 947 and 948;
Lot 3, U.S. Survey No. 11699.
- T. 22 S., R. 25 E.,
Secs. 1, 2, secs. 10 thru 17, and secs. 19 thru 36, unsurveyed.
- T. 23 S., R. 25 E.,
Secs. 1 thru 18, secs. 20 thru 28, and secs. 33 thru 36, unsurveyed.
- T. 24 S., R. 25 E.,
Secs. 1, 2, and 12, unsurveyed.
- Fairbanks Meridian, Alaska**
- T. 18 S., R. 1 W., unsurveyed,
Secs. 33 thru 36.
- T. 19 S., R. 1 W., unsurveyed,
Secs. 1 thru 4, and sec. 15;
- T. 22 S., R. 1 W., unsurveyed,
Secs. 25 thru 27 and secs. 34 thru 36.
- T. 17 S., R. 3 W., unsurveyed.
- T. 18 S., R. 3 W., unsurveyed,
Sec. 13;
Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 21, S $\frac{1}{2}$;
Sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 28 and 30;
Sec. 31, NE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 16 S., R. 4 W., unsurveyed.
- T. 17 S., R. 4 W., unsurveyed,
Secs. 1 thru 12.
- T. 18 S., R. 4 W., unsurveyed,
Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- Tps. 20 and 21 S., R. 4 W., unsurveyed.
- T. 22 S., R. 4 W., unsurveyed,
Secs. 1 thru 18.
- T. 17 S., R. 5 W.,
Secs. 33 and 36.
- T. 18 S., R. 5 W.,
Secs. 7 thru 11;
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Secs. 13 thru 21 and secs. 28 thru 33.
- T. 21 S., R. 5 W., unsurveyed.
- T. 22 S., R. 5 W., unsurveyed,
Secs. 1 thru 18.
- T. 15 S., R. 6 W.,
Secs. 4, 9, and 16.
- T. 17 S., R. 6 W.,
Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Tract B, those portions lying within Power Site Classification No. 403.
- T. 21 S., R. 6 W., unsurveyed.
- T. 22 S., R. 6 W., unsurveyed,
Secs. 1 thru 18.
T. 16 S. R. 7 W.,
Lot 2, U.S. Survey No. 4398.
- T. 17 S. R. 7 W.,
Lot 3, U.S. Survey No. 5595.
- T. 18 S. R. 7 W.,
Secs. 18 and 19;
Lots 10A, 10C, and 11, U.S. Survey No. 3229.
- T. 21 S., R. 7 W., unsurveyed.
- T. 22 S., R. 7 W., unsurveyed,
Secs. 1 thru 18.
- T. 18 S. R. 8 W.,
Sec. 2, lot 1;
Secs. 10 and 11, secs. 13 thru 17, and sec. 19;
Sec. 20, lots 2 thru 11;
Sec. 21 thru 24, and secs. 26, 27, and 28;
Sec. 29, lot 8;
Sec. 30, lots 1 thru 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 31, lots 1 thru 4;
Secs. 32, 33, and 34.
- T. 19 S. R. 8 W.,
Secs. 19 thru 36.
- T. 21 S., R. 8 W., unsurveyed.
- T. 22 S., R. 8 W., unsurveyed,
Secs. 1 thru 18.
- T. 20 S., R. 9 W.,
Sec. 22 thru 27 and secs. 34 thru 36, unsurveyed.
- T. 21 S., R. 9 W., unsurveyed,
Secs. 1 and 2, secs. 11 thru 14, and secs. 23 thru 36.
- T. 22 S., R. 9 W., unsurveyed,
Secs. 1 thru 18.
- T. 20 S., R. 10 W.,
U.S. Survey No. 5583;
U.S. Survey No. 11155.
- T. 15 S., R. 1 E., unsurveyed.
- T. 16 S., R. 1 E., unsurveyed,
Secs. 1 thru 19, secs. 23 thru 26, and secs. 35 and 36.
- T. 17 S., R. 1 E., unsurveyed,
Secs. 1 thru 3 and secs. 10 thru 36.
- T. 18 S., R. 1 E., unsurveyed.
- T. 19 S., R. 1 E., unsurveyed,
Secs. 1 thru 35;
Sec. 36, those portions lying within Power Site Classification 443.
- T. 20 S., R. 1 E., unsurveyed,
Sec. 1, those portions lying within Power Site Classification 443.
Secs. 2 and 3;
Sec. 4, excepting that land within regional selection AA-11125 Parcel K;
Sec. 5, secs. 8 thru 16, and secs. 19 and 20;
Sec. 22;
Sec. 23, excepting those portions within regional selections AA-11127, AA-58729, AA-58730, and AA-58731;
Sec. 24, excepting U.S. Survey No. 14342 and those portions within regional selections AA-11127, AA-58728, AA-58732, AA-58733, AA-58734 and AA-58735;
Secs. 25 thru 32;
Sec. 33, excepting that land conveyed to the State of Alaska by quit claim deed on June 30, 1959;
Sec. 34, excepting U.S. Survey No. 4351 and that land conveyed to the State of Alaska by quit claim deed on June 30, 1959;
Secs. 35 and 36;
Lots 4 and 6, U.S. Survey No. 14342.
- T. 21 S., R. 1 E., unsurveyed,
Sec. 2, those lands west of the left bank of the Susitna River;
Sec. 3, those lands west of the left bank of the Susitna River, excepting U.S. Survey No. 4314 and Tentative Approval No. 2009-0021;
Sec. 4;
Sec. 9, excepting U.S. Survey No. 4062, and lot 1, U.S. Survey No. 12140;
Sec. 10, those lands west of the left bank of the Susitna River, excepting U.S. Survey No. 4062, lots 1 and 3, U.S. Survey No. 4314, and Public Land Order No. 1536;
Sec. 13, excepting U.S. Survey No. 4274 and U.S. Survey No. 4339;
Sec. 14, excepting U.S. Survey No. 4274;
Secs. 15 thru 17, secs. 20 thru 24, and sec. 27;
Sec. 28, excepting regional selections AA-11125 Parcel I and AA-11127 Parcel H;
Secs. 29 thru 34.
- T. 22 S., R. 1 E., unsurveyed,
Secs. 2, 3, 4, 9, 10, and 11, secs. 13 thru 16, secs. 22 thru 27, and sec. 36.
- Tps. 15 thru 18 S., R. 2 E., unsurveyed.
- T. 19 S., R. 2 E., unsurveyed,
Secs. 1 thru 27, secs. 29, 30, and 31, and secs. 34, 35, and 36.
- T. 21 S., R. 2 E., unsurveyed,
Sec. 30, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Secs. 33, 34, and 35.
- T. 22 S., R. 2 E., unsurveyed,
Sec. 1, W $\frac{1}{2}$;
Secs. 2, 3, and 4, and secs. 9 thru 29;
Sec. 30, excepting regional selections AA-11125 Parcel V and AA-11127 Parcel V;
Secs. 31 thru 36.
- Tps. 15 thru 19 S., R. 3 E., unsurveyed.
- T. 22 S., R. 3 E., unsurveyed,
Secs. 18, 19, 30, 31 and 32.
- Tps. 15 thru 18 S., R. 4 E., unsurveyed.
- T. 19 S., R. 4 E., unsurveyed,
Secs. 1 thru 11, secs. 15 thru 21, and secs. 29 and 30.
- T. 21 S., R. 4 E., unsurveyed,
U.S. Survey No. 3690.
- T. 22 S., R. 4 E., unsurveyed,
Sec. 1, excepting U.S. Survey No. 3690, U.S. Survey No. 4014, U.S. Survey No. 12159, and U.S. Survey No. 14132;
U.S. Survey No. 3690.
- Tps. 15 and 16 S., R. 5 E., unsurveyed.
- T. 17 S., R. 5 E., unsurveyed,
Secs. 1 thru 35.
- T. 18 S., R. 5 E., unsurveyed,
Secs. 3 thru 9 and secs. 17 thru 19.
- T. 16 S., R. 6 E., unsurveyed.
- T. 17 S., R. 6 E., unsurveyed,
Secs. 1 thru 30.
- T. 21 S., R. 6 E., unsurveyed,
Sec. 35.
- T. 16 S., R. 7 E., unsurveyed.
- T. 17 S., R. 7 E., unsurveyed,
Secs. 1 thru 31.
- T. 21 S., R. 7 E., unsurveyed,
Sec. 13, that portion lying southerly of the centerline of the Denali Highway, excepting U.S. Survey No. 12147 and U.S. Survey No. 14511;
Secs. 21 and 22, that portion lying southerly and westerly of the centerline of the Denali Highway.
- T. 22 S., R. 7 E., unsurveyed.

- T. 16 S., R. 8 E., unsurveyed.
 T. 17 S., R. 8 E., unsurveyed,
 Secs. 1 thru 24 and sec. 30.
 T. 22 S., R. 8 E.,
 Tracts A, B, and C.
 T. 21 S., R. 9 E.,
 Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, that portion
 lying southerly of the centerline of the
 Denali Highway;
 T. 22 S., R. 9 E.,
 Tracts A and B.
 T. 22 S., R. 10 E., unsurveyed,
 Secs 1 thru 4;
 Sec. 5 excepting U.S. Survey No. 4357;
 Secs. 6 thru 19;
 Sec. 20, excepting U.S. Survey No. 5312;
 Secs. 21 thru 36;
 Lots 2 and 3, U.S. Survey No. 4357.
 T. 22 S., R. 12 E., unsurveyed,
 Secs. 1, 2, 6, and 7, secs. 11 thru 14, and
 secs. 23 thru 27;
 Sec. 33, excepting a portion described in a
 deed dated November 14, 1983 and
 recorded in the Chitina Recording
 District, in Book 18, pages 694 thru 697;
 Secs. 34, 35, and 36.
 T. 20 S., R. 15 E., unsurveyed,
 M.S. No. 1077, M.S. No. 1079, and M.S.
 No. 1080.

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- T. 32 N., R.1 E., unsurveyed,
 Sec. 7, those portions excluded from the
 Interim Conveyance No. 1376 as mining
 claims AA-29404, AA-29407, AA-
 29408 and AA 29409;
 Sec. 8, those portions excluded from the
 Interim Conveyance No. 1376 as mining
 claims AA-29440, AA-29441, AA-
 29442, AA-29497 and AA-29498;
 Sec. 9, those portions excluded from the
 Interim Conveyance No. 1376 as mining
 claims AA-29440, AA-29488, AA-
 29497 and AA-29530;
 Sec. 18, those portions excluded from the
 Interim Conveyance No. 1376 as mining
 claims AA-29409, AA-29414, AA-
 29428 and AA-29439.
 T. 33 N., R. 1 E., unsurveyed,
 Secs. 14 thru 23 and secs. 28 thru 33.
 T. 29 N., R. 2 E., unsurveyed,
 Secs. 34 and 35.
 T. 32 N., R. 2 E., unsurveyed,
 Secs. 1 thru 18 and secs. 23 thru 26.
 T. 33 N., R. 2 E., unsurveyed,
 Secs. 13, 14, and 15, secs. 22 thru 28, and
 secs. 32 thru 36.
 T. 29 N., R. 3 E., unsurveyed,
 Sec. 4.
 T. 30 N., 3 E., unsurveyed,
 Secs. 23 thru 27 and secs. 33 thru 36.
 T. 32 N., R. 3 E., unsurveyed,
 Secs. 4 thru 9 and secs. 16 thru 21.
 T. 30 N., R. 4 E., unsurveyed,
 Sec. 10, secs. 15 thru 22, and secs. 27 thru
 34.
 T. 29 N., R. 5 E., unsurveyed,
 Secs. 7 thru 36.
 T. 30 N., R. 5 E., unsurveyed,
 Secs. 1 thru 4 and secs. 7 thru 24.
 T. 29 N., R. 6 E., unsurveyed,
 Secs. 5 thru 8.
 T. 30 N., R. 6 E., unsurveyed,
 Secs. 28 thru 33.
 T. 32 N., R. 6 E., unsurveyed,
 Secs. 15, 22, 23, 24, and 30, excepting
 those portions within Power Site
 Classification No. 443.
 T. 29 N., R. 7 E., unsurveyed,
 Secs. 3, 4, and 5, secs. 7 thru 10, secs. 15
 thru 22, and secs. 27 thru 34.
 T. 30 N., R. 7 E., unsurveyed,
 Secs. 13 thru 29 and secs. 32 thru 36.
 T. 31 N., R. 7 E., unsurveyed,
 Secs. 1, 2, and 12, those portions lying
 north of the left bank of the Susitna
 River, excepting those portions within
 Power Site Classification No. 443.
 T. 32 N., R. 7 E., unsurveyed,
 Secs. 3, 4, 8, 9, 17, 18, 19, and 29,
 excepting those portions within Power
 Site Classification No. 443;
 Secs. 32 thru 34, those portions lying north
 of the left bank of the Susitna River;
 excepting those portions within Power
 Site Classification No. 443.
 T. 31 N., R. 8 E., unsurveyed,
 Secs. 1, 2, and 3;
 Secs. 7 thru 18 and secs. 21 and 22,
 excepting those portions within Power
 Site Classification No. 443.
 T. 32 N., R. 8 E., unsurveyed,
 Secs. 1 thru 18.
 T. 33 N., R. 8 E., unsurveyed,
 Secs. 13, 14, and 15, secs. 22 thru 27, and
 secs. 34, 35, and 36.
 T. 30 N., R. 9 E., unsurveyed,
 Secs. 1 and 12, excepting those portions
 within Power Site Classification No. 443;
 Sec. 21, excepting U.S. Survey No. 5212;
 Sec. 22.
 T. 31 N., R. 9 E., unsurveyed,
 Secs. 17 thru 23, excepting those portions
 within Power Site Classification No. 443;
 Sec. 24;
 Secs. 25 thru 28 and sec. 36, excepting
 those portions within Power Site
 Classification No. 443.
 T. 32 N., R. 9 E., unsurveyed,
 Secs. 1 thru 18.
 T. 33 N., R. 9 E., unsurveyed.
 T. 30 N., R. 10 E., unsurveyed,
 Secs. 6 thru 17, excepting those portions
 within Power Site Classification No. 443.
 T. 16 N., R. 11 E., unsurveyed,
 Secs. 1 thru 7;
 Secs. 8 thru 12 and secs. 15 thru 19, those
 portions lying outside the boundary of
 the Chugach National Forest.
 T. 29 N., R. 11 E., unsurveyed,
 Secs. 1 thru 7 and secs. 9, 10, and 16,
 excepting those portions within Power
 Site Classification No. 443.
 T. 30 N., R. 11 E., unsurveyed,
 Secs. 7, 8, 17, 18, 20, 21, 25, 26, 28, and
 29, and secs. 32 thru 36, excepting those
 portions within Power Site Classification
 No. 443.
 T. 33 N., R. 11 E., unsurveyed,
 Secs. 17 and 20.
 T. 16 N., R. 12 E., unsurveyed,
 Sec. 1 thru 9, those portions lying outside
 the boundary of the Chugach National
 Forest.
 T. 19 N., R. 12 E., unsurveyed,
 Secs. 4 thru 9.
 T. 20 N., R. 12 E.,
 Tract A, those lands within secs. 28 thru
 33, those portions excluded from the
 Tentative Approval No. 1980-0173, as
 regional application claim AA-16176.
 T. 21 N., R. 12 E.,
 Sec. 30, those lands within the Lake Leila
 portion of Public Land Order No. 1552.
 T. 30 N., R. 12 E., unsurveyed,
 Sec. 8, secs. 17 thru 24, and secs. 29 thru
 32, excepting those portions within
 Power Site Classification No. 443.
 T. 31 N., R. 12 E., unsurveyed,
 Secs. 1 thru 4, secs. 9, 10, 11, 16, 21, and
 28, excepting those portions within
 Power Site Classification No. 443.
 T. 32 N., R. 12 E., unsurveyed,
 Secs. 1 and 2, secs. 8 thru 11, secs. 13 thru
 16, secs. 26, 33, 34, and 35, excepting
 those portions within Power Site
 Classification No. 443.
 T. 33 N., R. 12 E., unsurveyed,
 Secs. 17 and 18.
 T. 29 N., R. 1 W., unsurveyed.
 T. 30 N., R. 1 W., unsurveyed,
 Secs. 19 thru 36.
 T. 32 N., R. 1 W., unsurveyed,
 Sec. 10, that portion excluded from the
 Interim Conveyance No. 1376 as
 headquarters site AA-00052;
 Sec. 13, those portions excluded from
 Interim Conveyance No. 1376 as mining
 claims AA-29404, AA-29405, AA-
 29406, and AA-24910 through AA-
 29422;
 Sec. 24, those portions excluded from
 Interim Conveyance No. 1376, as mining
 claims AA-29422 through AA-29427.
 T. 33 N., R. 1 W., unsurveyed,
 Secs. 13 thru 32, and secs. 35 and 36.
 T. 30 N., R. 2 W., unsurveyed,
 Secs. 4 thru 9.
 The areas described aggregate
 approximately 2,082,479 acres.
 The areas described aggregate a total of
 approximately 27,134,446 acres.

2. At 8 a.m. AKST on September 14, 2022, the lands described in Paragraph 1 shall be open to allotment selection under the Allotment Program, subject to valid existing rights. All valid allotment applications received at or prior to 8 a.m. AKST on September 14, 2022, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in accordance with 43 CFR. 2569.502.

3. No lands are opened by this order for any purpose other than allotment selection under the Allotment Program.

4. No lands are opened by this order that are within 500 feet of the Iditarod National Historic Trail, or within ¼ mile of cultural resource sites, including lands applied for by regional corporations pursuant to ANCSA section 14(h)(1) and known cultural resources sites identified in the

Allotment Program EA. The exact locations of these sites are withheld in order to limit the risk of harm to the cultural resource or site where the resource is located. If an applicant is interested in a particular location, they should contact the BLM in order to ensure that their application does not

overlap with areas excluded from this PLO as a result of known cultural resource sites or the Iditarod National Historic trail.

Deb Haaland,

Secretary of the Interior.

[FR Doc. 2022-17486 Filed 8-12-22; 8:45 am]

BILLING CODE 4310-JA-P



FEDERAL REGISTER

Vol. 87

Monday,

No. 156

August 15, 2022

Part IV

The President

Memorandum of August 9, 2022—Delegation of Authority Under Sections 102 and 106 of the CHIPS Act of 2022

Presidential Documents

Title 3—

Memorandum of August 9, 2022

The President

Delegation of Authority Under Sections 102 and 106 of the CHIPS Act of 2022**Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Commerce[, and] the Director of the National Science Foundation**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

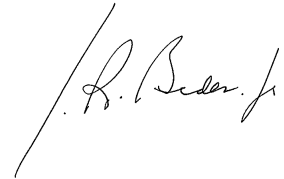
Section 1. (a) I hereby delegate to the Secretary of Commerce the authority to submit to the Congress the cost estimates required by sections 102(a)(4)(A)(i) and 106(c)(1)(A) of the CHIPS Act of 2022 (division A of H.R. 4346) (the “Act”).

(b) I hereby delegate to the Secretary of Defense the authority to submit to the Congress the cost estimate required by section 102(b)(3)(A)(i) of the Act.

(c) I hereby delegate to the Secretary of State the authority to submit to the Congress the cost estimate required by section 102(c)(3)(A)(i) of the Act.

(d) I hereby delegate to the Director of the National Science Foundation the authority to submit to the Congress the cost estimate required by section 102(d)(3)(A)(i) of the Act.

Sec. 2. The Secretary of Commerce is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, August 9, 2022

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Monday, August 15, 2022

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