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

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

Rules and Regulations

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

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

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 125 and 129

RIN 3245–AH72

Small Businesses in U.S. Territories; Eligibility of the Commonwealth of the Northern Mariana Islands

AGENCY: U.S. Small Business Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule implements a provision of the National Defense Authorization Act (NDAA) Fiscal Year 2021 (FY 2021) by defining a covered territory business as a small business in the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. Covered territory businesses would be newly qualified for surplus personal property distributions, and covered territory mentors would receive contracting incentives for mentoring protégé firms that are covered territory businesses.

DATES: This rule is effective on October 18, 2022, without further action, unless significant adverse comments are received by September 19, 2022. If significant adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by RIN 3245–AH72, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Donna Fudge, Procurement Analyst, Office of Policy Planning and Liaison, Small Business Administration, at *Donna.Fudge@sba.gov.*

SBA will post all comments on *https://www.regulations.gov.* If you wish to submit confidential business information (CBI), as defined in the User Notice at *https://www.regulations.gov,* please submit the information to Donna Fudge, Small Business Administration at *Donna.Fudge@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination on whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Donna Fudge, Procurement Analyst, Office of Policy Planning and Liaison, Small Business Administration, at *Donna.Fudge@sba.gov,* (202) 205–6363. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background Information

This direct final rule adds the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) to the list of territories from which small businesses are eligible for preferential treatment under two government programs: the surplus property program and the SBA mentor-protégé program for government contracting. These changes are required by NDAA FY21, Public Law 116–283.

Section 866 of NDAA FY21 defined a ''covered territory business'' as a small business concern that has its principal office located in one of the following: (1) the U.S. Virgin Islands; (2) American Samoa; (3) Guam; or (4) the CNMI.

Under the law, a covered territory business receives priority for surplus property transfers for four years after the enactment of NDAA FY21, which occurred on January 1, 2021. This direct final rule extends the changes that SBA made in a prior rulemaking about the surplus property program (Use of Federal Surplus Property for Veteran-Owned Small Businesses, and Small Businesses in Disaster Areas and Puerto Rico, 85 FR 69120, effective December 2, 2020). SBA is amending part 129 of its regulations to add a covered territory business to the eligibility list for the surplus property program, through January 1, 2025. SBA is treating covered territory businesses similarly to businesses located in Puerto Rico: a covered territory business would have its principal place of business located in its respective covered territory. For example, in order for a small business to be considered located in Guam, the small business should have a physical location in Guam.

Additionally, section 866 created two new incentives for SBA's small business mentor-protégé program for mentor-protégé pairs in which the protégé is a covered territory business. First, the mentor would receive positive consideration in its past-performance evaluations. Second, if the mentor incurs costs training the protégé, the mentor is able to apply those costs as subcontracting expenses and count them toward subcontracting goals contained in the mentor's subcontracting plans. These incentives already exist for mentors with protégés that are Puerto Rico businesses.

II. Section-by-Section Analysis

13 CFR 125.1

SBA adds a definition for ''covered territory business.'' A covered territory business is a small business with its principal office located in the U.S. Virgin Islands, American Samoa, Guam, or the CNMI.

13 CFR 125.9

SBA adds a covered territory business to paragraph (b)(3)(ii) so that a mentor-protégé relationship with a covered territory business does not count toward the mentor's limit on the number of protégés. Generally, a mentor is only allowed three protégés at a time. A protégé does not count, however, if the protégé has its principal office located in Puerto Rico or qualifies as a covered territory business.

SBA adds a covered territory business to paragraph (d)(6), which currently lists the special incentives for mentors with a protégé that is located in Puerto Rico. Such a mentor is able to receive positive consideration for the mentor's past performance evaluation and applying costs of training the protégé to the subcontracting goals in its subcontracting plan.

13 CFR Part 129

This direct final rule revises the title of part 129 to incorporate the term ''covered territory businesses'' to align the title with the amendments being made to the part via this rule.

13 CFR 129, Subpart C

This direct final rule changes the title of subpart C, which currently covers Puerto Rico businesses, to incorporate covered territory businesses into the list

of small businesses eligible to receive Federal surplus property.

13 CFR 129.301

The direct final rule adds the definition of a covered territory business. Additionally, the direct final rule revises the definition of covered period to specify that, for a covered territory business, the covered period ends on January 1, 2025.

A covered territory business will be able to obtain surplus property from its territory's State Agency for Surplus Property, in accordance with the same regulations that currently apply to Puerto Rico businesses.

III. Compliance With Executive Orders 12866, 12988, 13132, 13175, 13563, the Congressional Review Act (5 U.S.C. 801–808), the Paperwork Reduction Act (44 U.S.C., Ch. 35), the Regulatory Flexibility Act, (5 U.S.C. 601–612), and the Administrative Procedure Act (5 U.S.C. 553)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this direct final rule is a not a significant regulatory action for the purposes of Executive Order 12866.

Executive Order 12988

This direct final rule meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purposes of Executive Order 13132, Federalism, SBA has determined that this direct final rule will not have substantial, direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purpose of Executive Order 13132, SBA has determined that this direct final rule has no federalism implications warranting preparation of a federalism assessment.

Executive Order 13175

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

Executive Order 13563

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 also requires that regulations be based on the open exchange of information and perspectives among state and local officials, affected stakeholders in the private sector, and the public as a whole. SBA has developed this rule in a manner consistent with these requirements. While developing this rule, SBA responded to specific inquiries from government officials and the public regarding the implementation of the statutory required changes.

Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act or CRA, 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. SBA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the CRA cannot take effect until 60 days after it is published in the **Federal Register**. OMB's Office of Information and Regulatory Affairs has determined that this rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Paperwork Reduction Act

SBA has determined that this direct final rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small nonprofit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The RFA defines ''small entity'' to include ''small businesses,'' ''small organization,'' and ''small governmental jurisdictions.''

This Direct Final Rule adds the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) to the list of territories from which small businesses are eligible for preferential treatment under two government programs: the surplus property program and the SBA mentor-protégé program for government contracting. This rule relates to small business concerns but would not affect ''small organizations'' or ''small governmental jurisdictions'' because the programs affected generally apply only to ''business concerns'' as defined by SBA regulations; in other words, to small businesses organized for profit. ''Small organizations'' or ''small governmental jurisdictions'' are non-profits or governmental entities and do not generally qualify as ''business concerns'' within the meaning of SBA's regulations.

SBA identified 219 small business vendors across the covered territories for FY2021 that had sold to the Federal government and therefore would benefit from the changes to SBA's mentor-protégé program. Based on the number of small business vendors across the covered territories affected, SBA believes that the rule will not have an impact on a substantial number of entities nor a significant economic impact.

Accordingly, the Administrator of the SBA hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. SBA invites comments from members of the public who believe there will be a significant impact on any small entities, including small businesses.

Administrative Procedure Act—Justification for Direct Final Rule

In general, SBA publishes a rule for public comment before issuing a final rule, in accordance with the Administrative Procedure Act. 5 U.S.C. 553. The Administrative Procedure Act provides an exception to this standard rulemaking process, however, where an agency finds good cause to adopt a rule

without prior public participation. 5 U.S.C. 553(b)(3)(B). The good cause requirement is satisfied when prior public participation is impracticable, unnecessary, or contrary to the public interest.

SBA is publishing this rule as a direct final rule because public participation is unnecessary. SBA views this as a non-controversial administrative action because it merely implements a change required by the Small Business Act, as amended by section 866 of NDAA FY21. This rule will be effective on the date shown in the **DATES** section unless SBA receives significant adverse comment on or before the deadline for comments. Significant adverse comments are comments that provide strong justifications why the rule should not be adopted or for changing the rule. SBA does not expect to receive any significant adverse comments because the rule simply mirrors the statutory language contained in section 866 of NDAA FY21, with no extraneous interpretation or other expanded text.

If SBA receives significant adverse comment, SBA will publish a notice in the **Federal Register** withdrawing this rule before the effective date. If SBA receives no significant adverse comments, the rule will be effective 60 days after publication without further notice.

List of Subjects

13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

13 CFR Part 129

Administrative practice and procedure, Government contracts, Government procurement, Government property, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, SBA amends 13 CFR parts 125 and 129 as follows:

PART 125–GOVERNMENT CONTRACTING PROGRAMS

■ 1. The authority citation for part 125 continues to read as follows:

Authority: 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, 657b, 657(f), and 657r.

■ 2. Amend § 125.1 by adding a definition for ''Covered territory business'' in alphabetical order to read as follows:

§ 125.1 What definitions are important to SBA's Government Contracting Programs?

* * * * *

Covered territory business means a small business concern that has its principal office located in one of the following:

(1) The United States Virgin Islands;

(2) American Samoa;

(3) Guam; or

(4) The Commonwealth of the Northern Mariana Islands.

* * * * *

■ 3. Amend § 125.9 by revising the second sentence in paragraph (b)(3)(ii) and revising paragraph (d)(6) introductory text to read as follows:

§ 125.9 What are the rules governing SBA's small business mentor-protégé program?

* * * * *

(b) * * *

(3) * * *

(ii) * * * However, the first two mentor-protégé relationships approved by SBA between a specific mentor and a covered territory business, or a specific mentor and a small business that has its principal office located in the Commonwealth of Puerto Rico, do not count against the limit of three proteges that a mentor can have at one time.

* * * * *

(d) * * *

(6) A mentor that provides a subcontract to its protégé that is a covered territory business, or that has its principal office located in the Commonwealth of Puerto Rico, may:

* * * * *

PART 129—CONTRACTS FOR SMALL BUSINESSES LOCATED IN DISASTER AREAS, AND SURPLUS PERSONAL PROPERTY FOR SMALL BUSINESSES LOCATED IN DISASTER AREAS, PUERTO RICO, AND COVERED TERRITORY BUSINESSES.

■ 4. The authority citation for part 129 continues to read as follows:

Authority: 15 U.S.C. 636(j)(13)(F)(ii), (iii), and 644(f).

■ 5. Revise the heading for part 129 to read as set forth above.

■ 6. Revise the heading for subpart C to read as follows:

Subpart C—Surplus Personal Property for Small Businesses Located in Puerto Rico and for Covered Territory Businesses

■ 7. Amend § 129.300 by revising the definition of ''Covered period'' and by adding a definition for ''Covered territory business'' in alphabetical order to read as follows:

§ 129.300 What definitions are important in this subpart?

Covered period means:

(1) In the case of a Puerto Rico business, the period beginning on August 13, 2018 and ending on the date which the Oversight Board established under section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121) terminates. 15 U.S.C. 636(j)(13)(F)(iii); or

(2) In the case of a Covered territory business, the period beginning on January 1, 2021, the period ending on January 1, 2025. 15 U.S.C. 636(j)(13)(f)(iii).

Covered territory business means a small business concern that has its principal office located in one of the following:

(1) The United States Virgin Islands;

(2) American Samoa;

(3) Guam; or

(4) The Commonwealth of the Northern Mariana Islands.

* * * * *

■ 8. Amend § 129.301 by revising the section heading and paragraphs (a), (b)(1), and (c)(1) introductory text and by redesignating paragraph (f) as paragraph (e).

The revisions read as follows:

§ 129.301 How does a covered territory business or small business concern located in Puerto Rico obtain Federal surplus personal property?

(a) *General.* Pursuant to 15 U.S.C. 636(j)(13)(F)(iii), eligible covered territory businesses may receive surplus Federal Government property from their territory State Agency for Surplus Property (SASP), and eligible small business concerns located in Puerto Rico may receive such property from the Puerto Rico SASP. The procedures set forth in 41 CFR part 102–37 and this section will be used to transfer surplus personal property to eligible small business concerns. The property which may be transferred to the territory SASP or the Puerto Rico SASP for further transfer to eligible small business concerns includes all personal property which has become available for donation pursuant to 41 CFR 102–37.30.

(b) * * *

(1) Be a covered territory business or be located in Puerto Rico;

* * * * *

(c) * * *

(1) Eligible concerns may acquire surplus Federal personal property from their territory SASP or, for a Puerto Rico concern, the Puerto Rico SASP,

provided the concern represents and agrees in writing:

* * * * *

Isabella Casillas Guzman,

Administrator.

[FR Doc. 2022–17828 Filed 8–18–22; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0693; Airspace Docket No. 22–ASW–12]

RIN 2120–AA66

Amendment of the Class D and Class E Airspace; Victoria, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace at Victoria, TX. The FAA is taking this action due to a biennial airspace review. The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 amends the Class D airspace, the Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface at Victoria Regional Airport, Victoria, TX, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 33080; June 1, 2022) for Docket No. FAA–2022–0693 to amend the Class D and Class E airspace at Victoria, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraphs 5000, 6002, and 6005, 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 Class D and E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11F.

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 Rule

This amendment to 14 CFR 71:

Amends the Class D airspace to within a 4.6-mile (decreased from a 4.7-mile) radius of Victoria Regional Airport, Victoria, TX; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replaces the outdated terms of ''Notice to Airmen'' with ''Notice to Air Missions'' and ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E surface area to within a 4.6-mile radius (decreased from a 4.7-mile) radius of Victoria Regional Airport; adds missing part-time language to the airspace legal description; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

And amends the Class E airspace extending upward from 700 feet above the surface at Victoria Regional Airport by amending the northwest extension to 2.4 (increased from 1.9) miles each side of the 307° (previously 312°) bearing from the Victoria VOR/DME (previously the airport) extending from the 7.1-mile radius to 11.3 (decreased from 12.8) miles northwest of the airport; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review conducted as part a biennial airspace review.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 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 5000 Class D Airspace.

* * * * *

ASW TX D Victoria, TX [Amended]

Victoria Regional Airport, TX
(Lat. 28°51′15″ N, long. 96°55′07″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.6-mile radius of Victoria Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASW TX E2 Victoria, TX [Amended]

Victoria Regional Airport, TX
(Lat. 28°51′15″ N, long. 96°55′07″ W)

Within a 4.6-mile radius of Victoria Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Victoria, TX [Amended]

Victoria Regional Airport, TX
(Lat. 28°51′15″ N, long. 96°55′07″ W)
Victoria VOR/DME
(Lat. 28°54′01″ N, long. 96°58′44″ W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Victoria Regional Airport; and within 2.4 each side of the 307° bearing from the Victoria VOR/DME extending from the 7.1-mile radius of the airport to 11.3-miles northwest of the airport.

Issued in Fort Worth, Texas, on August 15, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–17760 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1228

[Docket No. CPSC–2014–0018]

Safety Standard for Sling Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In January 2017, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for sling carriers under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference the 2015 ASTM voluntary standard for sling carriers that was in effect at the time and supplemented it with an additional requirement for warning label attachment. The CPSIA sets forth a process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard when the voluntary standards organization revises the standard. Consistent with the CPSIA's update process, the Commission issued a direct final rule in April 2020, that revised the incorporation by reference for the mandatory standard for sling carriers to reflect ASTM's revised 2019 voluntary standard, while retaining the additional requirement for warning label attachment. In November 2021, ASTM approved a revision to the voluntary standard for sling carriers, ASTM F2907–21. However, ASTM delayed notification to the CPSC until a revised version of the standard was published in April 2022, ASTM F2907–22. On June 3, 2022, through publication in the **Federal Register**, the Commission provided notice of the availability of the revised standard and sought comments on the effect of the revisions on the safety of the standard for sling carriers. No comments were received. Consistent with the CPSIA's update process, this direct final rule again updates the mandatory standard for sling carriers to incorporate by reference ASTM's 2022 version of the voluntary standard, while retaining the additional requirement for warning label attachment.

DATES: The rule is effective on November 19, 2022, unless CPSC receives a significant adverse comment by September 19, 2022. If CPSC receives such a comment, it will publish a notice in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of November 19, 2022.

ADDRESSES: You can submit comments, identified by Docket No. CPSC–2014–0018, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by electronic mail (email), except as described below.

Mail/Hand Delivery/Courier Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you must submit such comments by mail, hand delivery, or courier, or by email to: *cpsc-os@cpsc.gov.*

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2014–0018, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Keysha Walker, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–6820; email: *kwalker@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

1. Statutory Authority

Section 104(b)(1) of the CPSIA requires the Commission to assess the effectiveness of voluntary standards for durable infant or toddler products and to adopt mandatory standards for these products. 15 U.S.C. 2056a(b)(1). A mandatory standard must be ''substantially the same as'' the corresponding voluntary standard, or it may be ''more stringent than'' the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.*

Section 104(b)(4)(B) of the CPSIA specifies a process for updating the Commission's rules when a voluntary standards organization revises a standard that the Commission previously incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. The Commission may reject the revised standard by notifying the voluntary standards organization, within 90 days of receiving notice of the revision, that it has determined that the revised standard does not improve the safety of the consumer product and that it is retaining the existing standard. If the Commission does not take this action to reject the revised standard, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision or on a later date specified by the Commission in the **Federal Register**. 15 U.S.C. 2056a(b)(4)(B).

2. Safety Standard for Sling Carriers

Under section 104(b)(1) of the CPSIA, the Commission adopted a mandatory rule for sling carriers, codified in 16 CFR part 1228. The rule incorporated by reference ASTM F2907–15, *Standard Consumer Safety Specification for Sling Carriers,* with an additional requirement for warning label attachment. 82 FR 8671 (Jan. 30, 2017). The Commission's warning label addition required ''Warning labels that are attached to the fabric with seams shall remain in contact with the fabric around the entire perimeter of the label, when the sling is in all manufacturer recommended use positions.'' At the time the Commission published the final rule, ASTM F2907–15 was the current version of the voluntary standard.

On January 8, 2020, ASTM notified the Commission that it had updated the sling carrier standard with revised requirements for test methods, labeling, and instructional literature in ASTM F2907–19. The Commission concluded those revisions improved the safety of sling carriers. As such, in accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, the revised standard became the new mandatory standard for sling carriers. The Commission accordingly published a direct final rule to update 16 CFR part 1228, incorporating by reference ASTM F2907–19, while retaining the additional requirement for warning label attachment. 85 FR 21766 (April 20, 2020).

In November 2021, ASTM approved another revision to the voluntary standard for sling carriers, ASTM F2907–21. However, ASTM delayed notification to the CPSC until a revised version of the standard was published in April 2022, ASTM F2907–22. On May 23, 2022, ASTM notified the Commission of the revised voluntary standard for sling carriers, as approved on April 1, 2022. This revised version includes revisions made to the voluntary standard in 2021 (ASTM F2907–21) and 2022 (ASTM F2907–22). However, the revisions do not include the additional requirement for warning label attachment, as required under 16 CFR part 1228.

As discussed in section B. Revisions to ASTM F2907, based on CPSC staff's review of ASTM F2907–22,[1] the Commission will allow the revised voluntary standard to become the mandatory standard, while retaining the warning label attachment requirement.[2] Accordingly, by operation of law under section 104(b)(4)(B) of the CPSIA, ASTM F2907–22 will become the mandatory consumer product safety standard for sling carriers on November 19, 2022. 15 U.S.C. 2056a(b)(4)(B). This direct final rule updates 16 CFR part 1228 to incorporate by reference the revised voluntary standard, ASTM F2907–22, with the additional requirement for warning label attachment.

B. Revisions to ASTM F2907

The ASTM standard for sling carriers includes performance requirements, test methods, and requirements for marking, labeling, and instructional literature, to address hazards to children associated with sling carriers. ASTM F2907–22 contains substantive revisions as well as editorial, non-substantive revisions that were made to the voluntary standard in 2021 (ASTM F2907–21) which were subsequently adopted in the updated 2022 version of the standard with one change to Figure 6 (ASTM F2907–22). This section describes the changes in ASTM F2907–22 (including the changes initially made in ASTM–F2907–21), as compared to ASTM F2907–19, which is the current mandatory standard under 16 CFR part 1228 and includes an assessment of those changes.

1. ASTM F2907–21

Non-Substantive Revisions

ASTM F2907–21 included several non-substantive changes, such as renumbering of sections, spacing, and formatting. ASTM also made minor language revisions and made various edits to bring the standard into alignment with current Ad Hoc Wording Task Group (Ad Hoc TG) recommendations.[3] These changes do not materially affect the safety of sling carriers. One section, 5.9 Scissoring, Shearing, and Pinching, has been edited to provide for reference to the manufacturer's recommended ''use position(s)'' instead of ''carrying position,'' and it also changes the language in the description of a scissoring, shearing, or pinching hazard from ''shall not be permissible'' to ''exists.'' These changes explain when a scissoring shearing or pinching hazard exists. Section 5.9 still retains existing language from 16 CFR part 1228, to require products to ''be designed and constructed so as to prevent injury to the occupant from any scissoring, shearing, or pinching when members or components rotate about a common axis or fastening point, slide, pivot, fold, or otherwise move relative to one

[1] CPSC staff's briefing package regarding ASTM F2670–22 is available at: Newsroom—FOIA √ CPSC.gov.

[2] The Commission voted 4–1 to approve this notice. Chair Hoehn-Saric, Commissioners Baiocco, Boyle, and Feldman voted to approve the notice as drafted. Commissioner Trumka voted not to approve the publication of the notice in the **Federal Register** based on his determination that the proposed revision does not improve the safety of sling carriers.

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[3] ASTM convened a task group, ASTM Ad Hoc Wording Task Group (Ad Hoc TG), consisting of members of the various durable nursery products voluntary standards committees, including CPSC staff. The purpose of the Ad Hoc TG is to harmonize the wording, as well as the warning format, across durable infant and toddler product voluntary standards. This latest revision to the Ad Hoc Language recommendations can be found in the Committee Documents'' section of the Committee F15 on Consumer Products ASTM website, here: *https://www.astm.org.* This link is accessible to Committee F15 members only.

another.'' Thus, the edits are neutral, non-substantive edits with respect to safety because they do not change or otherwise diminish any existing performance requirements for scissoring, shearing, and pinching.

Other non-substantive changes were made to sections 8.2 and 8.3. ASTM 2907–21 adds section 8.2, which states that the marking and labeling on the product shall be permanent. This section is consistent with section 8.1, which states that each product and its retail package shall be permanently marked. Accordingly, this change is neutral with respect to safety.

In section 8.3, ASTM 2907–21 makes grammatical edits to the current standard changing ''any upholstery label'' to ''any upholstery labeling'' and ''outlined in 8.1'' to ''of this section.'' Because these changes do not change the meaning of this section, the edits are neutral with respect to safety.

Substantive Revisions

ASTM F2907–21 included several substantive changes.

a. Introduction

The current standard provides in the Introduction section that the voluntary standard is intended to address incidents associated with ''occupant retention.'' The Introduction section in ASTM F2907–21 has been revised to specifically state that the voluntary standard addresses ''fall and suffocation hazards.'' In addition, the Introduction replaces language in the current standard that states that the standard ''does not apply to products that are blatantly misused, nor does it apply to products used by consumers in a careless manner that violate normal practice or disregard the instructions or warnings provided with the product, or both.'' The Introduction section in ASTM F2907–21 now states that the standard is intended to cover ''normal use and reasonably foreseeable misuse or abuse of the product.'' These changes harmonize the Introduction with the recommended language approved by the Ad Hoc TG, whose purpose is to develop recommended consistent language for ASTM juvenile product standards. This is a neutral change, because the revisions restate the purpose, consistent with Ad Hoc TG recommended language, but do not impact the existing performance requirements for sling carriers.

b. Marking and Labeling

Section 8.1.1. In the current standard, this section requires products and packaging to be marked with the name, principal place of business (city, state, and mailing address, including zip code), and telephone number and website, if applicable, of either the manufacturer, importer, distributor, or seller. ASTM F2907–21 requires: ''The name, place of business (city, state, and mailing address, including zip code), and telephone number of the manufacturer, distributor, or seller. Specifically, the new section has removed ''website, if applicable, of either the manufacturer, importer, distributor, or seller'' and replaced it with ''telephone number of the manufacturer, distributor, seller.'' This change is neutral with respect to safety because it harmonizes the language with the recommended language approved by the Ad Hoc TG, and thus promotes consistent messaging for consumers. Furthermore, consumers who have internet access should be able to find the manufacturer's website with ease, with the information required to be provided.

Section 8.1.2. In the current standard, section 8.1.2. requires products to be marked with a ''Model number, stock number, catalog, item number, or other symbol that identifies the specific sling carrier.'' ASTM F2907–21 has replaced that section to require ''A code mark or other means that identifies the date (month and year as a minimum) of manufacture.'' This requirement was intended to provide consistency with Ad Hoc TG recommendations, and other juvenile products, which do not contain this requirement. While the revised section 8.1.2 no longer requires detailed product-identifying information, sling carriers must still meet the requirements for consumer registration of durable infant or toddler products under 16 CFR part 1130. Specifically, under 16 CFR 1130.4(a), manufacturers are required to permanently mark their products with the manufacturer name and contact information (U.S. address and telephone number, toll free if available), model name and number, and date of manufacturer. Because the combined requirements of sections 8.1.1, 8.1.2, and 16 CFR part 1130 provide comprehensive marking identification information for sling carriers, this change is neutral with respect to safety.

Section 8.1.3. In the current standard, each product and its retail package must indicate the minimum and maximum recommended child's weight for each support area of the carrier. This section is not revised, but it is referenced in new section 8.1.4.

Section 8.1.4. ASTM 2907–21 adds this section to exempt product packaging from the marking and labeling requirements in sections 8.1.1–8.1.3 if the product itself contains all required marking and labeling and if the required on-product markings and labels are visible in their entirety through the retail package. If no retail packaging is used for the product, then the information provided on the product itself will be used for determining compliance. This section specifies that cartons and other materials used exclusively for shipping are not considered retail packaging. This change is neutral with respect to safety because all the markings and labeling under section 8.1.1–8.1.3 will still be required to be visible to the consumer either on the product packaging or on products that are visible through the packaging.

Section 8.4. ASTM F2907–21 adds the section *Warning Design for Product.* This section harmonizes language in the current standard with the Ad Hoc TG recommendations. This section now specifies that warnings shall be in English at minimum, states that any additional markings or labels shall not contradict or confuse the required information and shall not mislead the consumer, and sets formatting requirements for warnings (font size, text alignment, safety alert symbol, bullet points for cautionary statements, etc.). Consistent with Ad Hoc TG recommendations, the standard uses ANSI Z535.4–2011 as reference for its warning formatting requirements. These changes are an improvement to safety, as they provide a consistent format for manufacturers to follow, and with which consumers will be more familiar.

Section 8.5. In the current standard, manufacturers are required to list a recommended minimum and maximum weight for infants placed in the product. ASTM F2907–21 revises the warning statements to address sling carriers designed for use with two occupants. While single-occupant sling carriers still use the same warning statement in the current standard (Section 8.5.3 and 8.5.3.1), for sling carriers designed for use with two occupants, ASTM F2907–21 adds a requirement for manufacturers to list the recommended minimum infant weight, recommended maximum infant weight, and maximum combined occupant weight (*i.e.,* weight of both occupants) (Section 8.5.3 and 8.5.3.2). These changes are an improvement to safety, as the current standard allows for two-occupant carriers but does not require manufacturers to specify the maximum combined occupant weight.

c. Instructional Literature

Sections 9.1, 9.3, and 9.4 contain revisions to the current standard that are intended to harmonize with the Ad Hoc TG recommended language. The

standard now specifies that warnings shall be in English at minimum, states that any additional markings or labels shall not contradict or confuse the required information and shall not mislead the consumer, and it sets formatting requirements for warnings such as font size, text alignment, safety alert symbol, and bullet points for cautionary statements. These revisions are consistent with the changes made to Section 8.4 to accept Ad Hoc language recommendations, and references ANSI Z535.4–2011 for its warning formatting requirements. These changes provide a consistent format and baseline of requirements for manufacturers to follow. In addition, consumers' understanding of the instructions will improve as they become familiar with the consistent presentation of the text across the range of durable nursery products. These changes therefore improve safety.

Figure 6. ASTM 2907–21 added an example warning referred to as Figure 6. This warning label contains the formatting and statements required by the standard, as well as a pictogram showing proper and improper infant positioning. However, the pictogram shown on this warning was inconsistent with an example positioning pictogram shown in Figure 5 of the current standard. Subsequently, Figure 6 was revised in ASTM F2907–22, to remove the inconsistency.

2. ASTM F2907–22

ASTM F2907–22 incorporates all the revisions from ASTM F2907–21, with one substantive revision. Figure 6 in ASTM F2907–21 contained a pictogram example warning that differed from the example positioning pictogram shown in the same standard's Figure 5. Specifically, the pictogram shown in Figure 6 contained two strikethrough symbols through the incorrect positioning examples. Figure 5 does not contain these strikethrough symbols but was otherwise identical. To correct this inconsistency, the strikethroughs have been removed from Figure 6 in ASTM F2907–22. Although the strikethroughs can be beneficial to some consumers (particularly those who cannot read or speak English), the use of the strikethrough can obscure the image depicted in the pictogram. Overall, the addition of Figure 6 is an improvement to safety as compared to the existing mandatory standard based on ASTM F2907–19, because the standard includes an example warning with the proper formatting and content that manufacturers can reference, yet manufacturers are not required to use the specific pictogram examples shown in Figures 5 and 6 if a pictogram comparing proper and improper infant positioning for one or two occupants, depending on the design of the product, is included adjacent to the warning text.

3. More Stringent Requirement for Label Attachment

The current mandatory standard includes an additional requirement for label attachment. Specifically, 16 CFR 1228.2(b) requires that ''Warning labels that are attached to the fabric with seams shall remain in contact with the fabric around the entire perimeter of the label, when the sling is in all manufacturer recommended use positions.'' The Commission added this warning requirement when it promulgated the safety standard for sling carriers, incorporating by reference ASTM F2907–15, and the Commission maintained it when CPSC incorporated by reference the updated version of the standard in ASTM F2907–19. The Commission added this requirement to address concerns that consumers would accidentally or intentionally remove, damage, or otherwise alter ''free-hanging'' labels that are attached to a product at only one end of the label. The Commission determined that the additional label attachment requirement would improve safety because removing or altering these labels would eliminate the potential safety benefit of the label. ASTM F2907–22 does not include this additional requirement. However, this requirement remains appropriate. Accordingly, the Commission is retaining this additional requirement in 16 CFR 1228.2(b).

C. Incorporation by Reference

Section 1228.2 of the direct final rule incorporates by reference ASTM F2907–22. The Office of the Federal Register (OFR) has regulations regarding incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to a final rule, ways in which the material the agency incorporates by reference is reasonably available to interested parties, and how interested parties can obtain the material. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR regulations, section B. Revisions to ASTM F2907 of this preamble summarizes the major provisions of ASTM F2907–22 that the Commission incorporates by reference into 16 CFR part 1228. The standard itself is reasonably available to interested parties. Until the direct final rule takes effect, a read-only copy of ASTM F2907–22 is available for viewing, at no cost, on ASTM's website at: *https://www.astm.org/CPSC.htm.* Once the rule takes effect, a read-only copy of the standard will be available for viewing, at no cost, on the ASTM website at: *https://www.astm.org/READINGLIBRARY/.* Interested parties can also schedule an appointment to inspect a copy of the standard at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone: (301) 504–7479; email: *cpsc-os@cpsc.gov.* Interested parties can purchase a copy of ASTM F2907–22 from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; telephone: (610) 832–9585; *www.astm.org.*

D. Certification

Section 14(a) of the Consumer Product Safety Act (CPSA; 15 U.S.C. 2051–2089) requires manufacturers of products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, to certify that the products comply with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or for children's products, on tests of a sufficient number of samples by a third party conformity assessment body accredited by CPSC to test according to the applicable requirements. As noted, standards issued under section 104(b)(1)(B) of the CPSIA are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because sling carriers are children's products, a CPSC-accepted third party conformity assessment body must test samples of the products. Products subject to part 1228 also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA,[4] the tracking label requirements in section 14(a)(5) of the CPSA,[5] and the consumer registration form requirements in section 104(d) of the CPSIA.[6] ASTM F2907–22 makes no changes that would impact any of these existing requirements.

E. Notice of Requirements

In accordance with section 14(a)(3)(B)(vi) of the CPSA, the Commission previously published a

[4] 15 U.S.C. 1278a.

[5] 15 U.S.C. 2063(a)(5).

[6] 15 U.S.C. 2056a(d).

notice of requirements (NOR) for accreditation of third party conformity assessment bodies for testing sling carriers. 82 FR 8671 (Jan. 30, 2017). The NOR provided the criteria and process for CPSC to accept accreditation of third party conformity assessment bodies for testing sling carriers to 16 CFR part 1228. The NORs for all mandatory standards for durable infant or toddler products are listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies,'' codified in 16 CFR part 1112. *Id.*

ASTM F2907–22 did not change the testing requirements, testing equipment, or testing protocols for sling carriers. Accordingly, the revisions do not change the way that third party conformity assessment bodies test these products for compliance with the safety standard for sling carriers. Testing laboratories that have demonstrated competence for testing in accordance with ASTM F2907–19 therefore are competent to test in accordance with the revised standard ASTM F2907–22. Laboratories will begin testing to the new standard when ASTM F2907–22 goes into effect, and the existing accreditations that the Commission has accepted for testing to this standard will cover testing to the revised standard. Therefore, the Commission considers the existing CPSC-accepted laboratories for testing to ASTM F2907–19 to be capable of testing to ASTM F2907–22 as well. Accordingly, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditations to reflect the revised standard in the normal course of renewing their accreditations.

F. Direct Final Rule Process

On June 3, 2022, the Commission provided notice in the **Federal Register** of the revision to the standard and requested comment on whether the revision improves the safety of sling carriers covered by the standard. 87 FR 33755. No comments were submitted. Now, the Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551–559) generally requires agencies to provide notice of a rule and an opportunity for interested parties to comment on it, section 553 of the APA provides an exception when the agency ''for good cause finds'' that notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' *Id.* 553(b)(B). The Commission concludes that when it updates a reference to an ASTM standard that the Commission incorporated by reference under section 104(b) of the CPSIA, further notice and comment are not necessary.

Specifically, under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM notifies CPSC that it has revised a standard that the Commission has previously incorporated by reference under section 104(b)(1)(B) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM's revision does not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F2907–22 to become CPSC's new standard because its provisions improve product safety. The purpose of this direct final rule is to update the Code of Federal Regulations (CFR) so that it reflects the version of the standard that takes effect by statute. This rule updates the reference in the CFR, but under the terms of the CPSIA, ASTM F2907–22 takes effect as the new CPSC standard for sling carriers, even if the Commission does not issue this rule. Thus, public comments would not alter substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, further notice and comment are unnecessary.

In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are noncontroversial and not expected to generate significant adverse comments. *See* 60 FR 43108 (Aug. 18, 1995). ACUS recommends that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule, because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on November 19, 2022. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be ''one where the commenter explains why the rule would be inappropriate,'' including an assertion challenging ''the rule's underlying premise or approach,'' or a claim that the rule ''would be ineffective or unacceptable without a change.'' 60 FR 43108, 43111 (Aug. 18, 1995). As noted, this rule merely updates a reference in the CFR to reflect a change that occurs by statute, and public comments should address this specific action.

If the Commission receives a significant adverse comment, the Commission will withdraw this direct final rule. Depending on the comment and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As discussed in section F. Direct Final Rule Process of this preamble, the Commission has determined that further notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply. CPSC also notes the limited nature of this document, which merely updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

H. Paperwork Reduction Act

The current mandatory standard for sling carriers includes requirements for marking, labeling, and instructional literature that constitute a ''collection of information,'' as defined in the Paperwork Reduction Act (PRA; 44 U.S.C. 3501–3521). While the revised mandatory standard adds marking, labeling, and instructional literature language for sling carriers, the new requirements would not add to the burden hours because the products already require marking, labeling, and instructional literature. The new requirements merely require revisions to the labeling language in addition to that already required by the standard. Therefore, the new requirements are not measurably more burdensome than the existing requirements. The Commission took the steps required by the PRA for information collections when it promulgated 16 CFR part 1228, and the marking, labeling, and instructional literature for sling carriers are currently approved under OMB Control Number 3041–0159. Because the information collection burden is unchanged, the revision does not affect the information

collection requirements or approval related to the standard.

I. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement where they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

J. Preemption

Section 26(a) of the CPSA provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. 15 U.S.C. 2075(a). Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to CPSC for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA deems rules issued under that provision ''consumer product safety standards.'' Therefore, once a rule issued under section 104 of the CPSIA takes effect, it will preempt in accordance with section 26(a) of the CPSA.

K. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standards organization revises a standard that the Commission adopted as a mandatory standard, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission timely notifies the standards organization that it has determined that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. 15 U.S.C. 2056a(b)(4)(B). The Commission is taking neither of those actions with respect to the standard for sling carriers. Therefore, ASTM F2907–22 will take effect as the new mandatory standard for sling carriers on November 19, 2022, 180 days after May 23, 2022, when the Commission received notice of the revision.

L. Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that before a rule may take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The CRA submission must indicate whether the rule is a ''major rule.'' The CRA states that the Office of Information and Regulatory Affairs determines whether a rule qualifies as a ''major rule.''

Pursuant to the CRA, this rule does not qualify as a ''major rule,'' as defined in 5 U.S.C. 804(2). To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1228

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II as follows:

PART 1228—SAFETY STANDARD FOR SLING CARRIERS

■ 1. The authority citation for part 1228.2 continues to read as follows:

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (15 U.S.C. 2056a); Sec 3, Pub. L. 112–28, 125 Stat. 273.

■ 2. Revise § 1228.2 to read as follows:

§ 1228.2 Requirements for Sling Carriers.

(a) Except as provided in paragraph (b) of this section, each sling carrier must comply with all applicable provisions of ASTM F2907–22, *Standard Consumer Safety Specification for Sling Carriers,* approved on April 1, 2022. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A read-only copy of the standard is available for viewing on the ASTM website at *https://www.astm.org/READINGLIBRARY/.* You may obtain a copy from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959; telephone (610) 832–9585; *www.astm.org.* You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email *cpsc-os@cpsc.gov,* or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b)(1) Comply with ASTM F2907–22 standard with the following changes:

(i) In addition to complying with section 5.7.2 of ASTM F2907–22, comply with the following:

(ii) 5.7.3 Warning labels that are attached to the fabric with seams shall remain in contact with the fabric around the entire perimeter of the label, when the sling is in all manufacturer recommended use positions.

(2) [Reserved]

Abioye Mosheim,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–17707 Filed 8–18–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 4

[CBP Dec. 22–19]

RIN 1651–AB41

Vessel Repair Duties for Vessels Entering U.S. Ports; Correction

AGENCY: U.S. Customs and Border Protection; DHS.

ACTION: Final rule; correcting amendments.

SUMMARY: On July 29, 2022, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** that streamlines the vessel repair entry process by extending the timeframe for vessel operators to provide completed vessel repair entries and to apply for relief from assessment of duties associated with vessel repairs occurring abroad. The rule now extends the timeframe from 90 days to 150 days and eliminates the need for filing extension requests. That document inadvertently deleted the list of evidence required in Applications for Relief from the assessment of vessel repair duties. CBP is correcting that error by restoring the list of required documentation in the regulations.

DATES: Effective August 19, 2022.

FOR FURTHER INFORMATION CONTACT: W. Richmond Beevers, Chief, Cargo Security, Carriers, and Restricted Merchandise Branch, Regulations and Rulings, U.S. Customs and Border Protection, at 202–325–0084 or *wiley.r.beevers@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: On July 29, 2022, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** (87 FR 45642) that streamlines the vessel repair entry process by extending the timeframe for

vessel operators to provide completed vessel repair entries and to apply for relief from assessment of duties associated with vessel repairs occurring abroad. The rule now extends the timeframe from 90 days to 150 days and eliminates the need for filing extension requests. The Final Rule inadvertently deleted the list of evidence required in Applications for Relief from the assessment of vessel repair duties in the subparagraphs to 19 CFR 4.14(i)(1). CBP is correcting that error to restore subparagraphs (i) through (vi) in 19 CFR 4.14(i)(1).

List of Subjects in 19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

Amendments to the Regulations

For the reasons set forth in the preamble, 19 CFR part 4 is amended as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

■ 1. The general authority citation for part 4 and the specific authority citation for § 4.14 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * * *

Section 4.14 also issued under 19 U.S.C. 1466, 1498; 31 U.S.C. 9701.

* * * * *

■ 2. In § 4.14, amend paragraph (i)(1) by adding paragraphs (i)(1)(i) through (i)(1)(vi) to read as follows:

§ 4.14 Equipment purchases for, and repairs to, American vessels

* * * * *

(i) * * *

(1) * * *

(i) Itemized bills, receipts, and invoices for items shown in paragraph (e) of this section. The cost of items for which a request for relief is made must be segregated from the cost of the other items listed in the vessel repair entry;

(ii) Photocopies of relevant parts of vessel logs, as well as of any classification society reports which detail damage and remedies;

(iii) A certification by the senior officer with personal knowledge of all relevant circumstances relating to casualty damage (time, place, cause, and nature of damage);

(iv) A certification by the senior officer with personal knowledge of all relevant circumstances relating to foreign repair expenditures (time, place, and nature of purchases and work performed);

(v) A certification by the master that casualty-related expenditures were necessary to ensure the safety and seaworthiness of the vessel in reaching its United States port of destination; and

(vi) Any permits or other documents filed with or issued by any United States Government agency other than CBP regarding the operation of the vessel that are relevant to the request for relief.

* * * * *

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2022–17758 Filed 8–18–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0690]

RIN 1625–AA00

Safety Zone; Seneca Creek, Baltimore County, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Seneca Creek. The safety zone is needed to protect personnel, vessels, and the marine environment on these navigable waters in Baltimore County, MD, on August 19, 2022, (with alternate date of August 22, 2022) from potential hazards during an implosion of the former Charles P. Crane Generating Station. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 6:30 a.m. on August 19, 2022, through 10 a.m. on August 22, 2022. This rule will be enforced from 6:30 a.m. to 10 a.m. on August 19, 2022, or, if necessary due to inclement weather on August 19, 2022, from 6:30 a.m. to 10 a.m. on August 22, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0690 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 CWO2 Joshua Motta, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2526, email *Josh.M.Motta@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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 it is impracticable and contrary to the public interest to publish an NPRM because we must take immediate action to establish this safety zone by August 19, 2022, to respond to potential safety hazards associated with the implosion. Potential safety hazards include the resulting dust cloud reducing visibility within the navigable channel. Event planners did not notify the Coast Guard of the event until August 5, 2022.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the implosion of the Charles P. Crane Generating Station facility.

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, Maryland-National Capital Region (COTP) has determined that potential hazards associated with the implosion of the Charles P. Crane Generating Station facility will be a safety concern for anyone within 1,250 feet of the implosion site. 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 scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 6:30 a.m. on August 19, 2022, through 10 a.m. on August 22, 2022. The safety zone will be enforced from 6:30 a.m. to 10 a.m. on August 19, 2022, or, if necessary due to inclement weather on August 19, 2022, from 6:30 a.m. to 10 a.m. on August 22, 2022. The safety zone will cover all navigable waters of the Seneca Creek encompassed by a line connecting the following points: beginning at the shoreline 1,250 feet west of the power plant at position latitude 39°19′25.52″ N, longitude 076°22′11.47″ W, thence south to latitude 39°19′17.57″ N, longitude 076°22′10.50″ W, thence south to latitude 39°19′12.19″ N, longitude 076°22′08.17″ W, thence east to latitude 39°19′10.98″ N, longitude 076°21′55.43″ W, thence east to latitude 39°19′13.15″ N, longitude 076°21′41.16″ W, thence north to latitude 39°19′22.16″ N, longitude 076°21′39.37″ W, thence north to latitude 39°19′32.23″ N, longitude 076°21′39.24″ W, thence northwest to latitude 39°19′35.89″ N, longitude 076°21′42.62″ W, and southwest to and terminating at the beginning point. The size of the zone and duration of the rule are intended to protect personnel, vessels, and the marine environment in these navigable waters before, during, and after the scheduled facility implosion. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The COTP will notify the public that the safety zone will be enforced by all appropriate means to the affected segments of the public, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, time-of-day and day-of-week of the safety zone. We anticipate that there will be no vessels that are unable to conduct business. This waterway is used primarily by recreational boaters. This safety zone will impact a small designated area of Seneca Creek for 3.5 total enforcement hours during morning hours when vessel traffic is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about 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 safety zone that will be enforced for 3.5 total enforcement hours that will prohibit entry within a portion of the Anacostia River. 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.T05–0690 to read as follows:

§ 165.T05–0690 Safety Zone; Seneca Creek, Baltimore County, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of Seneca Creek encompassed by a line connecting the following points: beginning at the shoreline 1,250 feet west of the power plant at position latitude 39°19′25.52″ N, longitude 076°22′11.47″ W, thence south to latitude 39°19′17.57″ N, longitude 076°22′10.50″ W, thence south to latitude 39°19′12.19″ N, longitude 076°22′08.17″ W, thence east to latitude 39°19′10.98″ N, longitude 076°21′55.43″ W, thence east to latitude 39°19′13.15″ N, longitude 076°21′41.16″ W, thence north to latitude 39°19′22.16″ N, longitude 076°21′39.37″ W, thence north to latitude 39°19′32.23″ N, longitude 076°21′39.24″ W, thence northwest to latitude 39°19′35.89″ N, longitude 076°21′42.62″ W, and southwest to and terminating at the beginning point, located in Baltimore County, MD. These coordinates are based on datum WGS 1984.

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

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 6:30 a.m. to 10 a.m. on August 19, 2022, or, if necessary due to inclement weather on August 19, 2022, from 6:30 a.m. to 10 a.m. on August 22, 2022.

Dated: August 15, 2022.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2022–17869 Filed 8–18–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2021–OESE–0122]

Final Priorities, Requirements, and Definition—Project Prevent Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final priorities, requirements, and definition.

SUMMARY: The Department of Education (Department) announces final priorities, requirements, and a definition under the Project Prevent grant program, Assistance Listing Number (ALN) 84.184M. We may use one or more of these priorities, requirements, and definition for competitions in fiscal year (FY) 2022 and later years. These final priorities and requirements are designed to fund local educational agencies (LEAs) impacted by community violence and expand the capacity of LEAs to implement community- and school-based strategies that prevent and mitigate the impact of community violence. The Department also defines ''community violence'' for purposes of the Project Prevent grant program.

DATES: These priorities, requirements, and definition are effective September 19, 2022.

FOR FURTHER INFORMATION CONTACT: Nicole White, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E326, Washington, DC 20202. Telephone: (202) 453–6729. Email: *Project.Prevent@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of this Regulatory Action: Exposure of children and youth to community violence, whether as victims, justice-involved youth, or witnesses, is associated with long-term physical, psychological, and emotional harms. Community violence, which is defined in this document, is a significant public health, public safety, and community infrastructure concern nationwide, and is a leading cause of death, injury, and intergenerational trauma for people in the United States. School programs facilitated by counselors, mental health providers, and community leaders for students who have been exposed to or are at high risk of involvement in community violence have been shown to help students develop the social and emotional skills needed to navigate difficult circumstances inside and outside of school, so that they are able to problem solve, de-escalate conflict, and reengage in school. These final priorities, requirements, and definition are aligned with capacity-building approaches to addressing the harmful effects of community violence.

Summary of the Major Provisions of this Regulatory Action: Through this

regulatory action, we establish three priorities, program and application requirements, and an associated definition.

Costs and Benefits: The final priorities, requirements, and definition will impose minimal costs on entities that receive assistance through the Department's discretionary grant programs. Application submission and participation in a discretionary grant program are voluntary. The Secretary believes that the costs imposed on applicants by the final priorities are limited to paperwork burden related to preparing an application for a discretionary grant program that uses one or more of the final priorities in its competition. Because the costs of carrying out activities will be paid for with program funds, the costs of implementation will not be a burden for any eligible applicants, including small entities. We believe that the benefits of this regulatory action outweigh any associated costs because it will result in the submission of a greater number of high-quality discretionary grant applications and supporting activities that reflect the administration's education priorities.

Purpose of Program: The Project Prevent grant program provides grants to LEAs to increase their capacity to implement community- and school-based strategies to help prevent community violence and mitigate the impacts of exposure to community violence. Project Prevent grant funds allow LEAs to increase their capacity to identify, assess, and serve students exposed to community violence, helping LEAs to (1) offer affected students mental health services; (2) support conflict management programs; and (3) implement other community- and school-based strategies to help prevent community violence and to mitigate the impacts of exposure to community violence.

Program Authority: 20 U.S.C. 7281.

We published a notice of proposed priorities, requirements, and definition (NPP) in the **Federal Register** on January 28, 2022 (87 FR 4522). The priorities included in the NPP were: Proposed Priority 1—Addressing the Impacts of Community Violence; Proposed Priority 2—Established Partnership with a Local Community-Based Organization; and Proposed Priority 3—Supporting Children and Youth from Low-Income Backgrounds. The NPP contained background information and our reasons for proposing the priorities, requirements, and definition. There is no difference between the proposed and final Priority 1. As discussed in the Analysis of Comments and Changes section, we made a substantive change to Priorities 2 and 3 and both substantive and editorial changes to the application requirements and definition.

Public Comment: In response to our invitation in the NPP, 33 parties submitted comments, which, in total, addressed all three of the proposed priorities, as well as the requirements and definition. Three comments were not relevant to the proposed priorities, requirements, or definition and are not included in the discussions below. We group major issues according to subject. Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under the applicable statutory authority.

Many commenters expressed general support for all of the proposed priorities.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities, requirements, and definition since publication of the NPP follows.

General Comments

Comment: One commenter suggested that the Department provide targeted outreach to LEAs that have less awareness about Project Prevent and less capacity to complete the grant application.

Discussion: The Department appreciates this comment. To garner a diverse pool of applicants, the Department routinely assists potential applicants by offering technical assistance and pre-application workshops, and, as needed, responding to frequently asked questions. This information is made available on the program web page referenced in the Notice Inviting Applications and included in the Department's outreach. General resources about applying for a Department of Education grant are available on the Department's website at *https://www2.ed.gov/fund/grants-apply.html?src=ft. Program-specific information,* including pre-application materials, are available for Project Prevent at *https://oese.ed.gov/offices/office-of-formula-grants/safe-supportive-schools/project-prevent-grant-program/.*

Changes: None.

Comment: In addition to the existing priorities, one commenter suggested creating new priorities. Specifically, the commenter suggested priorities for eliminating police in schools and establishing alternatives for school safety.

Discussion: The Department fully acknowledges the concerns underlying this comment. The Department believes applicants are in the best position to determine whether and how to address the impacts of community violence by developing partnerships with law enforcement that are effective, inclusive, and free from bias.

Changes: None.

Comment: One commenter recommended adding a program requirement that holds LEAs accountable if they fail to, among other things, provide services that improve coordination of intervention programs, provide high-quality training, develop and implement transformative justice approaches, protect the privacy of individuals, adopt policies to prevent the perpetuation of discrimination, and involve a broad group of community stakeholders. The commenter recommended increased oversight, withholding of funds, or denial of continuation awards if LEAs failed to meet these goals.

Discussion: All grantees are bound by applicable law regarding privacy and non-discrimination. In addition, the Department agrees that accountability for grant implementation is essential. We believe that the Department's existing procedures and administrative requirements adequately address these concerns. For example, grantees are held accountable to goals and objectives in their approved applications. In addition to routine monitoring by a Federal project officer throughout the award period, grantees must submit annual reports to the Department that provide details on implementation, budget, and evaluation of the program. Through continuous monitoring and review of submitted reports and documentation, the Department determines if a grantee has made substantial progress toward meeting its goals and objectives. Determination of substantial progress determines whether an LEA will receive a continuation award.

Changes: None.

Priority 1—Addressing the Impacts of Community Violence

Comment: Some commenters stated that mental health services offered to students should explicitly prioritize students' access to developing social, self-regulation, and problem-solving skills.

Discussion: The Department appreciates the suggestion that mental health services offered to students should prioritize skills needed to regulate emotions and problem solve. We believe the proposed application requirements already allow for this skill development. Specifically, application

requirement (d)(1)(i) requires applicants to propose strategies and interventions that enhance student knowledge and interpersonal and emotional skills regarding positive behavior such as communication and problem-solving; empathy; and conflict management, de-escalation, and mediation.

Changes: None.

Comment: Two commenters suggested that mental health awareness education should be included in the language of the notice. Several commenters stated that mental health services for students and families should be included and emphasized in Priority 1. One commenter suggested making mental health services available privately, outside of school.

Discussion: The Department agrees that mental health services are integral to helping students and communities address the impacts of community violence. The Department also agrees that students should be screened for mental health needs, and that services should be administered in a manner that is equitable and inclusive, including culturally and linguistically competent, and does not cause further harm. In light of existing provisions that already give applicants the flexibility to address the commenters' concerns, the Department does not believe that further specificity regarding specific skills or specific targeted groups is necessary. For example, although paying for private mental health services is not an allowable expense under this program, this program allows grantees to engage in activities to raise awareness about the positive impacts of mental health education, and mental health services for students that are integrated into a school's overall program, including appropriate screening for these services, are allowable and encouraged.

Changes: The Department has also added language to application requirements (c)(2), (c)(5), (d)(1), and (e)(3)(i) and (ii) that emphasizes the importance of cultural and linguistic competence in activities, programs, and practices.

Comment: One commenter suggested including reference to minority, rural, and recent refugee populations in Priority 1 given their increased vulnerability to mental health issues. Another commenter recommended project activities that are culturally tailored to address mental health issues.

Discussion: The Department agrees that certain populations are particularly vulnerable to community violence and its impacts, and that activities and interventions must be available in a manner that is equitable and inclusive and responsive to the cultural and linguistic diversity of the student population.

Changes: The Department has added language to application requirement (d)(1)(i), stating that interventions and activities must be available to all students in a school in a manner that is equitable and inclusive. The Department has also added language to application requirements (c)(2), (c)(5), (d)(1), and (e)(3)(i) and (ii) that emphasizes the importance of cultural and linguistic competence in activities, programs, and practices.

Comment: Two commenters suggested that applicants commit to dedicated restorative practices, and one commenter suggested applicants commit to social emotional learning programming.

Discussion: The Department agrees that restorative practices as well as social emotional learning programming can be components of an effective program to mitigate community practices. Because both restorative practices and social emotional learning are allowable activities under this program, the Department does not believe any changes are necessary.

Changes: None.

Priority 2—Established Partnership With a Local Community-Based Organization (CBO)

Comment: One commenter recommended requiring that CBOs demonstrate a history of school and community engagement. The commenter further recommended requiring a detailed plan that describes how the CBO will communicate and collaborate with schools on programming and how it will engage authentically with the target community. Additionally, the commenter suggested adding key engagement strategies or shared values between the LEA applicant and CBO that all applicants should address as part of program implementation. One commenter recommended that the Department take into consideration the barriers that exist in obtaining memoranda of agreement/memoranda of understanding (MOAs/MOUs) in certain communities. One commenter suggested requiring that MOAs/MOUs be made available and accessible to the public. One commenter suggested evaluations of partner organizations to ensure they are suited for the work they will be doing.

Discussion: The Department agrees that an effective LEA/CBO partnership requires a detailed plan to engage the target community. The Department does not agree that changes to the requirements are needed, because the program's application requirements already require applicants to describe how they intend to work collaboratively with CBOs to achieve shared project goals and objectives. Applications are peer-reviewed and scored based on how well they address application requirements. Moreover, LEAs have the discretion to choose their CBO partners based on LEA needs and the approved application, and thus are in best position to determine what historical level of school and community engagement is appropriate in the LEA/CBO relationship.

While the Department understands that barriers to obtaining MOAs/MOUs sometimes exist, we believe the benefit of having MOAs/MOUs outweighs these barriers. We will make every attempt, when conducting grant competitions, to offer a longer application window so that applicants have time to secure partnerships that will yield the highest results. Finally, we encourage grantees to make their MOAs/MOUs available and accessible to the public. We believe this should be discretionary, rather than mandatory, because the program application already requires applicants to describe LEA and CBO roles and responsibilities with respect to the goals and objectives of the approved application.

Changes: None.

Comment: One commenter recommended stating specifically that nonprofit organizations can be considered local CBOs for purposes of this program.

Discussion: The Department appreciates this comment and agrees it would be helpful to clarify that local CBOs include nonprofit organizations. The Department will use the definition of ''community-based organization'' from section 8101(5) of the Elementary and Secondary Education Act (ESEA), as amended.

Changes: The Department has incorporated the ESEA definition of ''community-based organization'' into Priority 2.

Priority 3—Supporting Children and Youth From Low-Income Backgrounds

Comments: Three commenters remarked on the potential impact of Priority 3. Specifically, these commenters suggested modifying Priority 3 to use poverty data at the school level instead of Small Area Income and Poverty Estimates (SAIPE) data, which is at the LEA level. According to the commenters, setting the low-income classification at the school level instead of the LEA level may allow for more targeted grant funding.

Discussion: We thank the commenters for this suggestion. Although SAIPE data is not available at the school level and we are unable to identify another source of data that we think is uniform across LEAs, we agree that averaging poverty rates across an LEA might exclude LEAs with high poverty rates in individual schools.

Changes: We have added a new level to Priority 3, to include proposed projects in which at least 20 percent of the students enrolled in the LEA that will be served by the proposed project are from families with an income below the poverty line. This new level is intended to reduce the effects of any masking that might be caused by averaging poverty rates across the LEA.

Eligible Applicants

Discussion: One commenter recommended expanding the definition of eligible applicants to include CBOs or nonprofit organizations in partnership with LEAs, noting that there is only one eligible applicant in Hawaii and Puerto Rico due to the structure of their educational system. The commenter believes these entities are unfairly disadvantaged from receiving Federal competitive grants.

Discussion: The Department appreciates the commenter's suggestion but does not agree to expand eligible applicants to include CBOs. Given the central role that schools play in their communities and the activities we envision for Project Prevent grantees, we believe LEAs are best positioned to be the eligible applicants for this program. An LEA has direct, daily contact with students and is uniquely positioned, through Federal and State laws, to impact student services.

Changes: None.

Application Requirements

Comment: Several commenters suggested that this program should explicitly outline how applicant proposals will address implicit biases in referring students for services.

Discussion: The Department agrees that referring and screening students for mental health services should be carried out in a manner that is equitable and inclusive, including culturally and linguistically competent and identity-safe, and does not cause further harm. We have added language to the application requirements to address this comment.

Changes: The Department has added language to application requirement (c)(3), requiring applicants to describe how they will screen students in a manner that minimizes bias and stereotypes.

Comment: One commenter stated that, in finalizing the application requirements, specifically the ''project activities,'' the Department should include specific references to LGBTQ+ students, BIPOC students, and students with disabilities.

Discussion: The Department recognizes that equity in education should provide all students, from all backgrounds, with the resources and supports they need to succeed and thrive in our society. The Department has implemented the two changes described below to address the commenter's concerns.

Changes: Application requirement (d)(1)(i) has been revised to require that interventions and activities are available to all students in a school, in a manner that is equitable and inclusive, including culturally and linguistically competent. Additionally, language has been added to application requirements (c)(2), (c)(5), (d)(1), and (e)(3)(i) and (ii) that emphasizes the importance of activities, programs, and practices that are ''culturally and linguistically competent'' and that these services should be supported by increasing the diversity of staff, including hiring staff from underrepresented backgrounds.

Comment: One commenter recommended requiring applicants to demonstrate a racial equity framework such that people with lived experiences or those who historically have been excluded become the center of program development, policy, and research.

Discussion: The Department agrees that an equitable and unbiased education should be provided to all students, with the resources and supports they need to succeed and thrive in our society. The Department continues to work to ensure that every student feels supported in the classroom and in all educational environments. In several places, the application requires that project activities serve, and are inclusive of, all students. Additionally, selection criteria for this program will be designed to ensure equal access and treatment for eligible project participants who are members of groups that have been underrepresented based on race, color, national origin, gender, sexual orientation, age, or disability. The Department agrees that further general emphasis on equity and inclusion would be helpful and modified the application requirements to reiterate that project activities must be available and administered to all students in a manner that is equitable and inclusive, and culturally and linguistically competent.

Changes: The Department has revised (c)(2), (d)(1), and (d)(1)(i) of the application requirements to clarify that programs and practices must include interventions and activities that are available to all students in a manner that is equitable and inclusive.

Comment: Several commenters emphasized that project activities should be evidence- or research-based.

Discussion: The Department agrees that programs, practices, and treatment for mental health services should be rooted in evidence and believes the language in the final priorities can be strengthened by adding references to ''evidence-based'' in section (c) of the application requirements.

Changes: The Department has added ''evidence-based'' to application requirements (c)(2) and (c)(5).

Comments: One commenter suggested that the Department provide a template for an LEA/CBO agreement.

Discussion: We appreciate the recommendation to include a template for the MOA/MOU between LEAs and CBOs but decline to provide this type of document in the NFP. The NPP states that the MOA/MOU must clearly define the roles, responsibilities, and resources that each entity will bring to the partnership. Resources and technical assistance regarding what an MOA/MOU should contain will be provided to applicants in the Notice Inviting Applications, and the Department will provide technical assistance webinars for potential applicants. Therefore, it is not necessary to add a template for an MOA/MOU to the application requirements.

Changes: None.

Comment: One commenter suggested that there be a formal mechanism for community feedback during the selection of community partners and throughout the duration of the project. For example, the commenter suggested using qualitative data, such as a survey of families and community members, to understand the impacts of community violence and violence mitigation efforts.

Discussion: The Department appreciates this suggestion and agrees that ongoing community feedback is integral to the success of the project and facilitates successful stakeholder buy-in. The Department has modified the application requirements to require applicants to describe how they will utilize a formal mechanism for community feedback at various stages of the project.

Changes: The Department has added application requirement (b)(4), stating that applicants must describe how they will utilize a formal mechanism for community feedback during the selection process and throughout the duration of program activities.

Comments: Three commenters noted the positive impact that mentoring and peer-to-peer activities can have on reducing the harmful impacts of community violence. One commenter suggested explicitly including after-school programming and summer activities as project activities.

Discussion: The Department appreciates the project activity recommendations. We agree that mentoring, peer-to-peer activities, after-school programming, and summer activities can create positive outcomes for students impacted by community violence. Effective and engaging summer and after-school programming especially are critical to the reduction of youth involvement in community violence. Because these types of activities already are allowable under Project Prevent and applicants may propose them in their proposed grant applications, we are not making any changes in response to these comments.

Changes: None.

Comments: Two commenters suggested that greenspaces and the physical infrastructure of a community play a pivotal role in mitigating community violence.

Discussion: The Department acknowledges data showing that properly designed and maintained outdoor greenspaces and physical infrastructures have the potential to mitigate violent crime (Mardelle Shepley, 2019). Activities related to minor remodeling of greenspaces and physical infrastructures, excluding construction, are allowable activities under this program, and applicants may integrate them into their proposed grant applications. For this reason, we are not making any changes in response to these comments.

Changes: None.

Comments: One commenter suggested including measures to mitigate public sector divestment in communities plagued by violence.

Discussion: The Department recognizes the recommendation on how to further mitigate community violence. While there are a number of ways to address community violence and its impacts, we believe direct services and training are more consistent with the statutory authority for Project Prevent in 20 U.S.C. 7281(a)(1)(B), which is to provide funds for ''activities to improve students' safety and well-being.''

Changes: None.

Comment: One commenter suggested prohibiting the use of corporal punishment and restraint and seclusion in project activities.

Discussion: The Department finds the use of corporal punishment to be harmful, ineffective, and often disproportionately applied to students of color and students with disabilities, and has long called on States to eliminate the practice.[1] As of 2022, the practice is illegal in 31 States and the District of Columbia.[2] While the Department does not have authority over State or local school discipline policies, research does not support corporal punishment, seclusion, or restraint as evidence-based practices for reducing trauma and mitigating violence. Research further shows that these ineffective practices can have lasting negative impacts on students.[3] Therefore, we do not believe these methods are permissible within the range of evidence-based practices and programs described in section (e) of the application.

Changes: None.

Comments: Nine commenters urged the Department to reconsider including references to law enforcement in the application requirements. These commenters noted that collaboration with law enforcement is harmful when there is a major distrust of law enforcement, especially among students of color and marginalized groups.

Discussion: The Department understands the concern raised by commenters and agrees that inclusion of law enforcement partners may not be suitable for all proposed projects. While there are projects where collaboration with law enforcement can be effective in reducing community violence, there may also be projects that choose not to partner with law enforcement based on their needs and project objectives, and as referenced by commenters, other factors and considerations. These are decisions that are best made at the community level based on formal community feedback and by applicants. Partnerships and collaboration with law enforcement are allowable, but not required, activities under Project Prevent. The Department believes applicants are in the best position to determine whether and how a partnership with law enforcement could address the impacts of community violence in ways that develop trusting relationships and that are effective, inclusive, and free from bias, and accordingly removed the reference to law enforcement from one of the two application requirements where it was proposed, and where it remains, the activity is allowable but not required.

Changes: The Department removed the reference to law enforcement from application requirement (a)(2). Collaboration with law enforcement remains an allowable, but not required activity, in the project activity section.

Comments: One commenter suggested that law enforcement partnership be explicitly referenced in Priorities 1 and 2.

Discussion: Partnerships and collaborations with law enforcement are allowable but not required activities under Project Prevent. The Department believes the applicant is best suited to determine whether collaboration with law enforcement is appropriate, and how to utilize such a partnership to address the impacts of community violence in ways that develop trusting relationships that are effective, inclusive, and free from bias.

Changes: None.

Comments: Four commenters encouraged language that prioritizes collaboration with appropriately trained supportive services to address students' and communities' needs. Two commenters suggested that support personnel for grant activities include occupational therapists.

Discussion: Application requirements allow for the hiring and inclusion of appropriate school and support personnel to implement program activities. Applicants may propose to hire and include school and support personnel who are appropriate to their proposed grant applications. In response to the commenters' recommendations, and to ensure applicant discretion is clear, we modified the application requirements to give applicants more flexibility to choose which school and support personnel best meet their students' and communities' needs, and to take diversity and inclusion into account in planning activities and hiring staff.

Changes: We modified application requirement (c)(2) to give applicants more flexibility to choose which school and support personnel best meet their students' and communities' needs, and to take diversity and inclusion into account in planning activities and hiring staff.

Comments: Two commenters recommended requiring diversity and inclusion in the hiring and retention of culturally competent social workers, counselors, psychologists, and mental health professionals. Two additional commenters advocated for assurances concerning racial equity in hiring personnel.

[1] *https://www2.ed.gov/policy/gen/guid/school-discipline/files/corporal-punishment-dcl-11-22-2016.pdf.*

[2] *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/.*

[3] Discipline | National Center on Safe Supportive Learning Environments (NCSSLE) (*ed.gov*).

Discussion: The Department agrees that any efforts to diversify project personnel can have a significant impact on the success of program activities and build relationships with students served by the program. Application requirement (c)(2) has been revised in two ways, to confirm both that applicants have the flexibility to hire appropriate school support personnel, and that staff hiring must be diverse.

Changes: The Department has added language in application requirement (c)(2) to affirm that applicants have the flexibility to improve the range, availability, and quality of culturally and linguistically competent, inclusive, and evidence-based school-based mental health services by increasing the diversity of staff positions (*e.g.,* school and clinical psychologists, school counselors, school social workers, or occupational therapists) or other appropriate school support personnel, and by hiring diverse staff.

Definition

Comments: The Department received a number of comments on the proposed definition of ''community violence.'' Three commenters suggested that the proposed definition of community violence include interpersonal, familial, and self-harm acts of violence. One commenter suggested that the definition of community violence include intentional acts committed in public areas. One commenter believes the Department's definition of community violence is insufficient and suggested, instead, the World Health Organization's definition. One commenter suggested revising the definition of community violence to expressly include group-based, bias-related, and sexual violence. One commenter questioned the Department's authority to define community violence at all.

Discussion: We appreciate the recommendations regarding the definition of community violence. To more closely align our work with that of other Federal agencies, the Department acknowledges that this definition would be improved by clarifying that the definition covers intentional acts of violence committed in public areas. Self-inflicted acts of harm are not interpersonal, so they do not match a more widely understood definition of community violence. While familial violence is interpersonal and can be associated with community-level violence, familial violence alone does not amount to community violence.

Changes: The Department has modified the definition of community violence to be ''exposure to intentional acts of interpersonal violence (*e.g.,* firearm injuries, assaults, and homicides) committed in public areas by individuals outside the context of a familial or romantic relationship.''

Priority 1—Addressing the Impacts of Community Violence.

Projects that implement community- and school-based strategies to help prevent community violence and mitigate the impacts of children and youth's exposure to community violence in collaboration with local CBOs (*e.g.,* local civic or community service organizations, local faith-based organizations, or local foundations or nonprofit organizations) and include community and family engagement in the implementation of the strategies.

Priority 2—Established Partnership with a Local Community-Based Organization.

An application that includes at least one MOA or MOU signed by the authorized representative of a local community-based organization (as defined in section 8101(5) of the ESEA) that agrees to partner with the applicant on the proposed project and provide resources or administer services that are likely to substantially contribute to positive outcomes for the proposed project. The MOA or MOU must clearly delineate the roles and responsibilities of each entity.

Priority 3—Supporting Children and Youth from Low-Income Backgrounds.

In its application, an applicant must demonstrate, based on SAIPE data from the U.S. Census Bureau or, for an LEA for which SAIPE data are not available, the same State-derived equivalent of SAIPE data that the State uses to make allocations under part A of title I of the ESEA, one or more of the following:

(a) At least 20 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

(b) At least 25 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

(c) At least 30 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

(d) At least 35 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

(e) At least 40 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

(f) At least 45 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Requirements

The following are one program requirement and several application requirements for this program. We may apply one or more of these requirements in any year in which the program is in effect.

Program Requirement:

Eligible Applicants: Eligible applicants for this program are LEAs, as defined in 20 U.S.C. 7801(30).

Application Requirements:

(a) *Severity and magnitude of the problem; identification of schools to be served by the proposed project.* Applicants must—

(1) Identify the schools proposed to be served by project activities;

(2) Collaborate and coordinate with CBOs to describe the community violence that affects students in those schools utilizing data such as incidents of community violence, gun crime, and other violent crime, rates of child abuse and neglect, and other school and community crime and safety data, including on a per capita basis (such as homicides per 100,000 persons); prevalence of risk factors associated with violence-related injuries and deaths; findings from student mental health screenings or assessments, school climate surveys, and student engagement surveys; demographic data provided by U.S. Census surveys; and other relevant data and information; and

(3) Provide a comparison of the school and community data cited to similar

data at the State or local level, if available.

(b) *Collaboration and coordination with community-based organizations.* Applicants must—

(1) Describe how they intend to work collaboratively with CBOs to achieve project goals and objectives;

(2) Provide evidence of collaboration and coordination through letters of support, MOAs, or MOUs from at least one CBO;

(3) Describe how they will use grant program funds to supplement, rather than supplant, existing or new efforts to reduce community violence and mitigate the direct and indirect effects of community violence on students; and

(4) Describe how they utilized a formal mechanism (*e.g.,* surveys of families and community members) to obtain community feedback during the process of identifying CBOs with which to partner or collaborate, and the formal mechanism that will be utilized throughout the duration of the project to gather feedback on the impact of project activities.

(c) *Project activities.* Applicants must propose to conduct three or more of the following:

(1) Appropriately tailored professional development opportunities for LEA and school mental health staff (*e.g.,* counselors, psychologists, and social workers); other specialized instructional support personnel; and other school staff, as appropriate, on how to screen for and respond to violence-related trauma and implement appropriate school-based interventions to help prevent community violence and mitigate the impacts of children's and youth's exposure to community violence.

(2) Activities designed to improve the range, availability, and quality of culturally and linguistically competent, inclusive, and evidence-based school-based mental health services by increasing the number and diversity of staff positions (*e.g.,* school and clinical psychologists, school counselors, school social workers, or occupational therapists) or other appropriate school support personnel, and by hiring staff who are diverse and reflective of the community, with expertise or training in violence prevention, trauma-informed care, and healing-centered strategies, and who are qualified to respond to the mental and behavioral health needs of students who have experienced trauma as a result of exposure to community violence.[4]

(3) Training for school staff (*e.g.,* teachers, administrators, specialized instructional support personnel, and support staff), community partners, youth, and families on the effects of exposure to community violence, the importance of screening students, how to screen students exposed to community violence in a manner that minimizes and eliminates bias and stereotypes, and how to provide interventions.

(4) Developing or improving processes to better target services to students who are exposed to community violence and to assess such students who may be experiencing mental, social, emotional, or behavioral challenges as a result of this exposure.

(5) Enhancing linkages between LEA mental health services and community mental health systems to help ensure affected students receive referrals to treatment that is culturally and linguistically competent and evidence-based, as appropriate.

(6) Undertaking activities in collaboration and coordination with law enforcement to address community violence affecting students, to support victims' rights, and to promote public safety.

(d) *Evidence-based, culturally and linguistically competent, and developmentally appropriate programs and practices.* Applicants must—

(1) Describe the continuum of evidence-based, culturally and linguistically competent, and developmentally appropriate (as defined in 34 CFR 77.1(c)) programs and practices that will be implemented at the school and community levels and how these programs and practices will be organized to provide differentiated support based on student need in an equitable and inclusive manner, free from bias, to help break the cycle of community violence. These programs and practices must include all of the following:

(i) Interventions and activities that are available to all students in a school, in a manner that is equitable and inclusive, with the goal of preventing negative or violent behavior (such as harassment, bullying, fighting, gang participation, sexual assault, and substance use) and enhancing student knowledge and interpersonal and emotional skills regarding positive behavior (such as communication and problem-solving, empathy, and conflict management, de-escalation, and mediation).

(ii) Interventions and activities related to positive coping techniques, anger management, conflict management, de-escalation, mediation, promotion of positive behavior, and development of protective factors.

(iii) Interventions and services, such as mentorship programming, that target individual students who are at a higher risk for committing or being a victim of violence.

(2) Describe the research and evidence supporting the proposed programs and practices and the expected effects on the target population.

(e) *Framework for planning, implementation, and sustainability.* Applicants must—

(1) Describe how the proposed project is integrated and aligned with the mission and vision of the LEA, including a description of the relationship of the project to the LEA's existing school safety or related plan;

(2) Describe the anticipated challenges to success of the project and how they will be addressed, such as sustaining project implementation beyond the availability of grant funds and mitigating turnover at the LEA leadership, school leadership, and staff levels; and

(3) Include a timeline of activities for—

(i) Planning that includes conducting a needs assessment that is comprehensive and examines areas for improvement, both within the school and the community, related to learning conditions that create a safe and healthy environment for students; creating a logic model (as defined in 34 CFR 77.1); completing resource mapping; selecting evidence-based, culturally and linguistically competent, and developmentally appropriate programs; developing evaluation plans; and engaging community and school partners, families, and other stakeholders;

(ii) Implementation that includes training on and execution of evidence-based, culturally and linguistically competent, and developmentally appropriate programs; continuing engagement with stakeholders; communicating and collaborating strategically with community partners; and evaluating program implementation; and

(iii) Sustainability that includes further developing and expanding on the project's successes beyond the end of the grant, at the school and community levels, in alignment with other related efforts.

(f) *Planning period.* Projects funded under this program may use up to 12 months during the first year of the project period for program planning. Applicants that propose a planning period must provide sufficient justification for why this program

[4] All strategies to increase the diversity of providers must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964.

planning time is necessary, provide the intended outcomes of program planning in Year 1, and include a description of the proposed strategies and activities to be supported.

Final Definition

The Department establishes a definition of ''community violence'' for use in this program. We may apply it in any year in which this program is in effect.

Community violence is intentional acts of interpersonal violence (*e.g.,* firearm injuries, assaults, and homicides) committed in public areas by individuals outside the context of a familial or romantic relationship.

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use these priorities, requirements, and definition, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the final priorities, requirements, and definition only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the priorities, requirements, and definition are consistent with the principles in Executive Order 13563.

We also have determined that this final regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this final regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Potential Costs and Benefits

The Department believes that this final regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the priorities, requirements, and definition would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The priorities, requirements, and definition would help ensure that the Project Prevent grants program selects high-quality applicants to implement activities that meet the goals of the program. We believe these benefits would outweigh any associated costs.

Regulatory Flexibility Act Certification

The Secretary certifies that this final regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this final regulatory action would affect are LEAs. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary. Therefore, we do not believe that the final priorities, requirements, and definition would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The final priorities, requirements, and definition do not contain any information collection requirements.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by

State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

James F. Lane,

Senior Advisor, Office of the Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary Office of Elementary and Secondary Education.

[FR Doc. 2022–17934 Filed 8–18–22; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2022–0165; FRL–10132–02–R3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Determinations for Case-by-Case Sources Under the 1997 and/or 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving multiple state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for six major volatile organic compound (VOC) and/or nitrogen oxide (NO_X) emitting facilities pursuant to the Commonwealth of Pennsylvania's conditionally approved RACT regulations. In this rule action, EPA is approving source-specific RACT determinations (also referred to as case-by-case or CbC) for sources at six major NO_X and VOC emitting facilities within the Commonwealth submitted by PADEP. These RACT evaluations were submitted to meet RACT requirements for the 1997 and/or 2008 8-hour ozone national ambient air quality standards (NAAQS). EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA) and EPA's implementing regulations.

DATES: This final rule is effective on September 19, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2022–0165. All documents in the docket are listed on the *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 *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Mr. Riley Burger, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2217. Mr. Burger can also be reached via electronic mail at *burger.riley@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 17, 2022, EPA published a notice of proposed rulemaking (NPRM). 87 FR 15161. In the NPRM, EPA proposed approval of case-by-case RACT determinations for sources at eight facilities, as EPA found that the RACT controls for these sources met the CAA RACT requirements for the 1997 and/or 2008 8-hour ozone NAAQS. The case-by-case RACT determinations for sources at these facilities were initially included in PADEP's May 7, 2020 SIP submission and supplemented by submissions on February 9, 2021, July 20, 2021, and January 28, 2022. One facility is located in Allegheny County and was submitted by PADEP on behalf of the Allegheny County Health Department (ACHD), the government agency responsible for air permitting in that county.

As more fully explained in the NPRM, under certain circumstances, states are required to submit SIP revisions to address RACT requirements for both major sources of NO_X and VOC and any source covered by control technique guidelines (CTG), for each ozone NAAQS. Which NO_X and VOC sources in Pennsylvania are considered ''major,'' and are therefore subject to RACT, is dependent on the location of each source within the Commonwealth. Sources located in nonattainment areas would be subject to the ''major source'' definitions established under the CAA based on the area's current classification(s). In Pennsylvania, sources located in any ozone nonattainment areas outside of moderate or above are subject to source thresholds of 50 tons per year (tpy) because of the Ozone Transport Region (OTR) requirements in CAA section 184(b)(2).

On May 16, 2016, PADEP submitted a SIP revision addressing RACT for both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. PADEP's May 16, 2016 SIP revision intended to address certain outstanding non-CTG VOC RACT, VOC CTG RACT, and major source VOC and NO_X RACT requirements for both standards. The SIP revision requested approval of Pennsylvania's 25 Pennsylvania Code 129.96–100, *Additional RACT Requirements for Major Sources of NO_X and VOCs* (the ''presumptive'' RACT II rule). Prior to the adoption of the RACT II rule, Pennsylvania relied on the NO_X and VOC control measures in 25 Pa. Code 129.92–95, *Stationary Sources of NO_X and VOCs,* (the RACT I rule) to meet RACT for non-CTG major VOC sources and major NO_X sources. The requirements of the RACT I rule remain as previously approved in Pennsylvania's SIP and continue to be

implemented as RACT.[1] On September 26, 2017, PADEP submitted a supplemental SIP revision including a letter, dated September 22, 2017, which committed to address various deficiencies identified by EPA in PADEP's original May 16, 2016 ''presumptive'' RACT II rule SIP revision.

On May 9, 2019, EPA conditionally approved the RACT II rule based on the commitments PADEP made in its September 22, 2017 letter.[2] 84 FR 20274. In EPA's final conditional approval, EPA established conditions requiring PADEP submit, for EPA's approval, SIP revisions to address any facility-wide or system-wide NO_X emissions averaging plans approved under 25 Pa. Code 129.98 and any case-by-case RACT determinations under 25 Pa. Code 129.99. PADEP committed to submitting these additional SIP revisions within 12 months of EPA's final conditional approval (*i.e.,* by May 9, 2020). Through multiple submissions between 2017 and 2020, PADEP submitted to EPA for approval the various SIP submissions to implement its RACT II case-by-case determinations and alternative NO_X emissions limits. This rule takes final action on SIP revisions for sources at six facilities, based on EPA's review.[3]

The SIP revisions in this action for ATI Flat Rolled products Holdings, LLC, the facility located in Allegheny County, only establish 2008 8-hour ozone NAAQS RACT requirements. Applicable RACT requirements under the CAA for sources located in Allegheny County for the 1997 8-hour ozone NAAQS were previously satisfied. See 78 FR 34584 (June 10, 2013).

II. Summary of SIP Revision and EPA Analysis

A. Summary of SIP Revisions

To satisfy a requirement from EPA's May 9, 2019 conditional approval, PADEP submitted to EPA SIP revisions addressing alternative NO_X emissions limits and/or case-by-case RACT requirements for major sources in Pennsylvania subject to 25 Pa. Code 129.98 or 129.99. Among the submitted SIP revisions were case-by-case RACT determinations for sources in Allegheny County, which PADEP submitted on behalf of ACHD. PADEP's submission included SIP revisions pertaining to case-by-case RACT determinations for the existing emissions units at each of the major sources of NO_X and/or VOC that required a case-by-case RACT determination.

In the case-by-case RACT determinations submitted by PADEP, and PADEP on behalf of ACHD, an evaluation was completed to determine if previously SIP-approved, case-by-case RACT emissions limits or operational controls (herein referred to as RACT I and contained in RACT I permits) were more stringent than the RACT II presumptive or case-by-case requirements new to the SIP. If more stringent, the RACT I requirements would continue to apply to the applicable source. If case-by-case RACT II requirements that are new to the SIP are more stringent than the RACT I requirements, then the RACT II requirements would supersede the prior RACT I requirements.[4]

Here, EPA is approving SIP revisions pertaining to case-by-case RACT requirements for sources at six NO_X and/or VOC emitting facilities in Pennsylvania, as summarized in Table 1 in this document. As indicated in the NPRM, EPA views each facility as a separable SIP revision.

TABLE 1—SIX MAJOR NO_X AND/OR VOC EMITTING FACILITIES IN PENNSYLVANIA SUBJECT TO CASE-BY–CASE RACT II DETERMINATIONS UNDER THE 1997 AND/OR 2008 8–HOUR OZONE NAAQS

Major source (county)	1-Hour ozone RACT source? (RACT I)	Major source pollutant (NO_X and/or VOC)	RACT II permit (effective date)
ArcelorMittal Plate LLC Coatesville (formerly Lukens Steel Co.—Coatesville) (Chester).	Yes	NO_X and VOC	15–00010 (3/18/2020)
ATI Flat Rolled Products Holdings, LLC (formerly Allegheny Ludlum Corporation—Brackenridge) (Allegheny).	Yes	NO_X and VOC	0059–I009a (12/3/2020) 0059–I008d (4/21/2021)
Boyertown Foundry Company (Berks)	Yes	VOC	06–05063 (8/1/2020)
Grove US LLC Shady Grove Plant (Franklin)	Yes	VOC	28–05004 (1/1/2021)
INDSPEC Chemical Corporation Petrolia (Butler)	Yes	NO_X and VOC	10–00021 (12/17/2020)
Texas Eastern Transmission LP Lilly Station (Cambria)	Yes	NO_X and VOC	11–00258 (12/10/2021)

The case-by-case RACT determinations submitted by PADEP, and PADEP on behalf of ACHD, consist of an evaluation of all reasonably available controls at the time of evaluation for each affected emissions

[1] The EPA granted conditional limited approval of Pennsylvania's case-by-case RACT I Rule on March 23, 1998 pending Pennsylvania's submission of and EPA's determination on proposals for facilities subject to case-by-case (source-specific) RACT requirements. 63 FR 13789. On May 3, 2001, EPA removed the conditional status of its 1998 approval once the state certified that it had submitted case-by-case RACT I proposals for sources subject to the RACT requirements, but retained the limited nature of the approval. 66 FR 22123. EPA granted full approval on October, 22, 2008 once it approved all case-by-case RACT I proposals submitted by Pennsylvania. 73 FR 62891. Through this RACT II rule, certain source-specific RACT I requirements will be superseded by more stringent requirements. See Section II of this preamble.

[2] On August 27, 2020, the Third Circuit Court of Appeals issued a decision vacating EPA's approval of three provisions of Pennsylvania's presumptive RACT II rule applicable to certain coal-fired power plants. *Sierra Club* v. *EPA,* 972 F.3d 290 (3d Cir. 2020). None of the sources in this final rule are subject to the presumptive RACT II provisions at issue in that *Sierra Club* decision.

[3] In its March 17, 2022 NPRM (87 FR 15161), EPA had proposed approval of SIP revisions pertaining to case-by-case RACT requirements for sources at eight major NO_X and/or VOC emitting facilities. At this time, EPA is only approving such SIP revisions at six of those facilities and is not taking final action on the SIP revisions related to Procter & Gamble Paper Products Company Mehoopany and ArcelorMittal Plate LLC Monessen.

[4] While the prior SIP-approved RACT I permit will remain part of the SIP, this RACT II rule will incorporate by reference the RACT II requirements through the RACT II permit and clarify the ongoing applicability of specific conditions in the RACT I permit.

unit, resulting in a determination of what specific emissions limit or control measures satisfy RACT for that particular unit. The adoption of new, additional, or revised emissions limits or control measures to existing SIP-approved RACT I requirements were specified as requirements in new or revised federally enforceable permits (hereafter RACT II permits) issued by PADEP or ACHD to the source. These RACT II permits have been submitted as part of the Pennsylvania RACT SIP revisions for EPA's approval in the Pennsylvania SIP under 40 CFR 52.2020(d)(1). The RACT II permits being approved in this action are listed in the last column of Table 1 of this preamble, along with the permit effective date, and are part of the docket for this rule, which is available online at *www.regulations.gov,* Docket No. EPA–R03–OAR–2022–0165.[5] For certain sources at major NO_X and VOC emitting facilities, EPA is incorporating by reference in the Pennsylvania SIP the source-specific emissions limits and control measures and/or alternative NO_X emissions limits in the RACT II permits, and is determining that these provisions satisfy the RACT requirement under the 1997 and/or 2008 8-hour ozone NAAQS.

B. EPA's Final Action

This CbC RACT SIP revision incorporates determinations by PADEP and ACHD of source-specific RACT II controls for individual emission units at major sources of NO_X and/or VOC in Pennsylvania, where those units are not covered by or cannot meet Pennsylvania's presumptive RACT regulation. After thorough review and evaluation of the information submitted to EPA by PADEP, in its SIP revision submittals for sources at six major NO_X and/or VOC emitting facilities in Pennsylvania, EPA found that: (1) PADEP's and ACHD's case-by-case RACT determinations and conclusions establish limits and/or controls on individual sources that are reasonable and appropriately considered technically and economically feasible controls; and (2) PADEP's and ACHD's determinations are consistent with the CAA, EPA regulations, and applicable EPA guidance.

In the NPRM, EPA proposed to find that all the proposed revisions to previously SIP-approved RACT I requirements would result in equivalent or additional reductions of NO_X and/or VOC emissions. Consistent with section 110(l) of the CAA the proposed revisions will not result in additional NO_X emissions and thus should not interfere with any applicable requirement concerning attainment.

Below is a summary of information that was set forth in the NPRM, associated technical support document (TSD), and supporting documents in the record regarding the source-specific RACT II NO_X determinations for the four facilities with major NO_X sources and how those particular requirements are at least as stringent as the RACT I requirements. Additional material regarding this source determination is available in the NPRM, associated TSD, and other support documents in the record, and are not set forth herein.

Arcelor Mittal Plate LLC Coatesville

EPA proposed to approve PADEP's RACT II CbC NO_X determination for twenty-seven sources at this facility. For all twenty-seven sources, PADEP determined that CbC RACT II NO_X requirements would be continuing use of good operating and maintenance practices. This RACT II requirement now being incorporated into the SIP is as stringent as the RACT I SIP requirement because the RACT I SIP also required good operating and maintenance practices. PADEP also will continue to require the same throughput restrictions as follows: 267 million cubic feet of natural gas each year (mmcf/yr) for the EMS boiler, 1.55 million tons of steel processed per year for the ''D'' electric furnace, and 3,942 mmcf/yr of natural gas for fifteen soaking pits. These throughput restrictions being incorporated into the SIP as RACT are as stringent because they are the same as the RACT I restrictions incorporated into the current SIP.

For two NAB furnaces and eight BHT furnaces, EPA is approving more stringent RACT II requirements now being incorporated into the SIP that will supersede the RACT I requirements in the SIP. PADEP established throughput restrictions for the 145' NAB furnace and the 200' NAB furnace of 481.8 and 510 mmcf/yr of natural gas respectively, which together are more stringent than the prior SIP RACT I collective limit of 1331.52 mmcf/yr for the two NAB furnaces together. For the eight BHT furnaces, PADEP established a throughput restriction of 2495.7 mmcf/yr of natural gas, which is less than the prior RACT I SIP collective limit of 2688.88 mmcf/yr for nine BHT furnaces, and is therefore more stringent. Finally, PADEP established a monthly limit of 34.1 tons per month NO_X that is new to the SIP for the ''D'' electric furnace.[6] This short-term emission limit now being incorporated into the SIP is more stringent because EPA never approved a prior short-term emission limit in the SIP before for this source. Through its establishment of as stringent and more stringent RACT, and related testing, monitoring, and recordkeeping requirements, Pennsylvania has demonstrated that the status quo in NO_X emissions has been maintained if not improved. As such, EPA's approval of Pennsylvania's SIP revision is consistent with CAA section 110(l).

Texas Eastern Transmission LP Lilly Station

EPA proposed to approve PADEP's CbC RACT II NO_X determination for three sources at this facility.[7] For two of the three sources, Westinghouse turbines, PADEP determined that the RACT CbC NO_X is good combustion practices, defined as following manufacturer's procedures, routine maintenance, a preventative maintenance schedule, and inspection as well as an operating hours limit of 8,000 hr/yr, fuel throughput limit of 491.3 MMScf/year, and a NO_X emissions rate of 116 ppmvd (parts per million volume, dry) corrected to 15% oxygen. For the remaining source, a General Electric turbine, PADEP determined that RACT CbC NO_X consists of good combustion practices, defined as following manufacturer procedures, routine maintenance, a preventative maintenance schedule, inspection as well as an operating hours limit of 8,000 hr/yr, and a NO_X emission rate of 120 ppmvd corrected to 15% oxygen. Because EPA had not previously approved any RACT for this source into the SIP, these RACT requirements now being incorporated into the SIP are more stringent than the current SIP. Through its establishment of more stringent RACT for these sources, and related testing monitoring and recordkeeping requirements, Pennsylvania has demonstrated that the status quo in NO_X emissions has been maintained, if not improved. As such, EPA's approval of Pennsylvania's SIP

[5] The RACT II permits included in the docket for this rule are redacted versions of the facilities' federally enforceable permits. They reflect the specific RACT requirements being approved into the Pennsylvania SIP via this final action.

[6] EPA included the following annual NO_X emission limits only as SIP strengthening measures for each CbC NO_X source that were not incorporated into the prior SIP: 19.62 tpy for the EMS boiler, 340.6 tpy for the ''D'' electric furnace, 173.6 tpy for the eight BHT furnaces, 33.7 tpy for the 145' NAB furnace, 30.6 tpy for the 200' NAB furnace, 502.8 tpy for fifteen soaking pits.

[7] As SIP strengthening measures EPA has also approved PADEP's annual emission limits of 107 tons per year for the Westinghouse turbines and 292 tons per year for the GE turbine as well as a requirement to shut down operation of the GE turbine by January 1, 2024.

revision is consistent with section 110(l).

ATI Flat Rolled Products Holdings, LLC (Allegheny County)

EPA proposed to approve ACHD's CbC RACT II NO_X determination for five sources at this facility. A number of NO_X sources under RACT I are now shut down. For two sources currently still in use, consisting of two electric arc furnaces, ACHD determined that the RACT II CbC NO_X is the continued requirement for good work practices, such as minimizing intake of outside air and the opening of the slag. For the Argon-Oxygen Decarburization Vessel source, ACHD determined that the RACT II CbC NO_X is to continue the requirement to implement good operating practices and the requirement to comply with manufacturer's specifications. These RACT II requirements for these three sources are as stringent as the current SIP because the RACT I requirements in the SIP also consisted of good operating practices for these sources and have been retained. For the two remaining sources, No. 1 and No. 2 A&P lines HNO_3/HF pickling operations, ACHD determined the RACT II CbC NO_X is to continue good operating and maintenance practices as well as several requirements new to the SIP: direct emissions to the wet scrubber (while tracking and maintaining specific operating parameters related thereto), meet emission limits of 15.5 lbs NO_X/hr and 11.07 lbs NO_X/hr, and annual production limits of 262,800 tons of steel and 148,920 tons of steel.[8] The good operating and maintenance practice requirement being incorporated into the SIP for these sources is as stringent because the current RACT I SIP for these sources also required good operating practices. The requirement to direct emissions to the wet scrubber as well as the numerical emission and production limits now being incorporated are new to the SIP for these two sources and do not supersede any prior RACT requirements in the current SIP, and thus are more stringent. Through its establishment of as or more stringent RACT, and related monitoring, testing, and recordkeeping requirements, Pennsylvania has demonstrated that the status quo in NO_X emissions has been maintained, if not improved. As such EPA's approval of Pennsylvania's SIP revision is adequately justified under section 110(l).

INDSPEC Chemical Corporation Petrolia

EPA proposed to approve PADEP's CbC RACT II NO_X determinations for two sources at this facility, spray dryers No. 1 and No. 3. PADEP determined that the RACT II CbC NO_X for both sources is use of good combustion practices and minimizing excess air. These RACT requirements now being incorporated into the SIP are more stringent because EPA has never approved RACT requirements into the SIP before for the spray dryers. The existing RACT I conditions in the SIP are unrelated to these two CbC NO_X sources and remain as RACT requirements. INDSPEC ceased manufacturing in September 2017, and the NO_X and VOC sources subject to PADEP's RACT II determination have all permanently shut down.[9] Through imposition of these more stringent operating practices for these now permanently shut down sources, Pennsylvania has demonstrated that the status quo in NO_X emissions has been maintained, if not improved. As such, EPA's approval of Pennsylvania's SIP revision is consistent with section 110(l).

Other specific requirements of the 1997 and 2008 8-hour ozone NAAQS case-by-case RACT determinations and alternative NO_X emissions limits and the rationale for EPA's proposed action are explained thoroughly in the NPRM, and its associated technical support document (TSD), and will not be restated here.

III. Public Comments and EPA Responses

EPA received three sets of comments on the March 17, 2022 NPRM. 87 FR 15161. A summary of the comments and EPA's responses are discussed in this section. A copy of the comments can be found in the docket for this rule action.

Comment 1: This comment from ACHD identifies that the permits for ATI Flat Rolled Products Holdings, LLC in the notice of proposed rulemaking should be identified as No. 0059–I009a (December 3, 2020) and No. 0059–I008d (April 21, 2021).

Response 1: The permits included in the submission to EPA are No. 0059–I009a (December 3, 2020) and No. 0059–I008d (April 21, 2021) as indicated by the commenter. References to these permits in this rule have been updated.

Comment 2: The comment from Cleveland-Cliffs Monessen Coke LLC requests that EPA not take final action on the revisions pertaining to ArcelorMittal Monessen LLC Monessen Coke Plant as certain RACT requirements are involved in the appeal of the facility's permit before the Pennsylvania Environmental Hearing Board. The comment requests EPA delay action until the appeal is adjudicated or resolved, and any modifications to the permit are finalized. The comment indicates there is a settlement agreement in principle with PADEP to prepare and issue a modification of the permit.

Response 2: EPA is not taking final action on the ArcelorMittal Monessen LLC Monessen Coke Plant RACT determination at this time and will act on this SIP revision in a later rulemaking. EPA will respond to the comment at that time.

Comment 3: A comment from the Center for Biological Diversity (CBD) claims that EPA cannot approve the proposed Pennsylvania RACT II CbC determinations under the 2008 8-hour ozone NAAQS because the CAA section 110(l) analysis is inadequate. In particular, the comment focuses on the proposed NO_X limitations and whether they will cause or contribute to violations of the 2010 1-hour NO_X NAAQS. (The 2010 1-hour NAAQS is for oxides of nitrogen, as measured by nitrogen dioxide (NO_2).)

Response 3: As described in the proposed rulemaking, Pennsylvania was required through implementation of the 1997 and 2008 8-hour ozone NAAQS to determine RACT II requirements for major NO_X and VOC emitting sources within the Commonwealth. PADEP had previously established CbC.[10] [11] As part of the EPA's conditional approval, PADEP was required to complete source-specific RACT II determinations for subject NO_X or VOC sources that could not meet the presumptive requirements or for which a presumptive limit did not exist. For subject sources located in Allegheny County, ACHD makes such determinations. As required by Pennsylvania's RACT II regulations, PADEP and ACHD then conducted, for sources seeking a CbC determination, an analysis examining what air pollution controls were available for those individual sources to determine the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering

[8] In addition, for those two sources, EPA included as SIP strengthening measures only annual NO_X emission limits of 67.8 tpy and 48.49 tpy which EPA has not approved into the SIP before.

[9] PADEP requested that the operating permit conditions, which pertain to the implementation of NO_X and VOC CbC RACT II requirements under 25 Pa. Code § 129.99, be incorporated into the Commonwealth's SIP to determine baseline emissions for the purpose of issuing emission reduction credits (ERC).

[10] 40 CFR 52.2020(d)(1).

[11] 84 FR 20274 (May 9, 2019).

technological and economic feasibility.[12]

Through its source-specific RACT II determinations, PADEP and ACHD through PADEP have established NO_X and VOC limits and requirements for various sources that either reaffirm existing emissions limits or make the limits more stringent. PADEP, on behalf of itself and ACHD, submitted those determinations to EPA as bundled packages of individual SIP revisions. EPA is now approving the RACT II CbC SIP revisions for individual NO_X and VOC sources at six facilities throughout Pennsylvania (including one in Allegheny County). For the reasons explained below, EPA concludes that the arguments presented by the comment do not prohibit approval of these SIP revisions.

CAA section 110(l) prohibits EPA from approving a SIP revision if the revision would ''interfere with any applicable requirement concerning attainment and reasonable further progress . . . or any other applicable requirement of this chapter.'' 42 U.S.C. 7410(l). While EPA interprets section 110(l) as applying to all NAAQS that are in effect, including those for which a relevant SIP submission may not have been made, the level of rigor needed for any CAA section 110(l) demonstration will vary depending on the nature and circumstances of the revision. For example, an in-depth section 110(l) analysis is more appropriate where there is a reasonable expectation that an existing SIP standard is being weakened or that there will be a net emissions increase because of approval of the SIP revision under consideration. However, here, the Pennsylvania CbC RACT II SIP revisions are either retaining an existing standard or establishing a more stringent one. For these reasons, EPA did not include a detailed section 110(l) analysis at the proposal stage. Since the comment raised the issue, EPA is responding in this final action by explaining why its approval is consistent with section 110(l).

In circumstances where an existing SIP standard is being weakened or a net emissions increase is expected, there are two generally recognized paths for satisfying CAA section 110(l). First, a state may demonstrate through an air quality analysis, including modeling, that the revision will not interfere with the attainment of the NAAQS, reasonable further progress, or any other applicable requirement. This is the approach the comment claims is required for the Pennsylvania CbC RACT II SIP revisions. Second, a state may substitute equivalent or greater emissions reductions to compensate for any change to a plan to ensure actual emissions to the air are not increased and thus preserve status quo air quality. In the context of substitution, courts have upheld the concept that substitute measures resulting in a net zero increase in emissions, *i.e.* status quo emissions, is sufficient to demonstrate noninterference. *Kentucky Resources Council, Inc.* v. *EPA,* 467 F.3d 986 (6th Cir. 2006); *Indiana* v. *EPA,* 796 F. 3d 803 (7th Cir. 2015).

In a more analogous case to the situation presented here, EPA's interpretation of section 110(l) was upheld in *WildEarth Guardians* v. *EPA,* 759 F.3d 1064 (9th Cir. 2014). There, the court rejected a challenge to an EPA action approving a regional haze plan and concluded that *WildEarth Guardians* had identified ''nothing in [the] SIP that weakens or removes any pollution controls. And even if the SIP merely maintained the status quo, that would not interfere with the attainment or maintenance of the NAAQS.'' [13] For that reason, the court concluded that the petitioner in *WildEarth Guardians* failed to show that EPA's approval of the SIP contravened section 110(l). The court's holding demonstrates that a SIP approval that does not weaken or remove pollution controls would not violate section 110(l). Thus, a showing that the approved SIP measures preserve status quo emissions is generally sufficient to demonstrate noninterference.

Here, contrary to the comment's characterization, PADEP and ACHD are not relaxing standards or eliminating a program; rather, PADEP and ACHD are reevaluating the technical and economic feasibility of air pollution controls for subject air pollution sources as required by implementation of the 2008 8-hour NAAQS. Based on that review, PADEP and ACHD, as explained in detail in Section II of this preamble, have made determinations that either retain or make more stringent existing NO_X emissions limits. Under these circumstances, PADEP's or ACHD's demonstration to meet the requirements of section 110(l) for its source-specific RACT II determinations is not one of modeling or identifying equivalent emissions reductions to compensate for or offset an emissions increase because the revisions are not resulting in emissions increases, but rather to establish that its new source-specific NO_X RACT determinations are preserving the status quo emissions or achieving additional reductions beyond the status quo. As described in the preamble above, as well as the NPRM, associated TSD, and supporting record documents, EPA has approved for each of the facilities with CbC NO_X RACT II determinations requirements that are at least as stringent as the prior CbC NO_X RACT determinations.

Comment 4: CBD asserts that EPA's section 110(l) analysis must determine whether NO_X emissions from VOC RACT control devices that use combustion will cause or contribute to a violation of the 2010 1-hour NO_X NAAQS.

Response 4: No VOC combustion control devices are approved as part of the VOC CbC RACT II determinations for any of these six facilities, therefore consideration of whether NO_X emissions from VOC RACT control devices will cause or contribute to a violation of the NAAQS as measured by NO_2 is not relevant to our final action in this rule. Furthermore, no areas in Pennsylvania are designated as non-attainment areas for the 2010 1-hour NO_X NAAQS under 40 CFR 81.339.

Comment 5: CBD states that the SIP submission is ''incomplete'' because it does not contain a ''demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented,'' per 40 CFR part 51, appendix V (Appendix V), 2.2(d), and therefore ''does not contain 'the information necessary to enable the Administrator to determine whether the plan submission complies with the provisions of [the Clean Air Act],' as required by Section 110(k)(1)(A) of the Act.'' This comment further asserts that because Pennsylvania has not submitted the demonstration referenced above, EPA cannot now supplement the record with the supposedly missing information as part of this final rule. Lastly, the comment states that because in the commenter's experience it is ''not possible for public commenters to carry out a complete analysis'' the comment asserts is missing, that ''the state and EPA . . . bear the responsibility of carrying out a full and complete assessment of whether the rule will interfere with the NAAQS.''

Response 5: This comment fundamentally misunderstands the purpose of Appendix V, CAA 110(k)(1)(A) and the concept of ''completeness.'' Under CAA section

[12] See December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' and 44 FR 53762 (September 17, 1979).

[13] 759 F.3d at 1074.

110(k)(1), with a single exception known as parallel processing, which is not relevant in this action, a SIP submission must either be determined to be ''complete'' by EPA or become complete by operation of law before EPA can formally propose action on the submission. Appendix V was promulgated consistent with CAA 110(k)(1)(A), that directed EPA ''to promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection.'' Thus, Appendix V provides EPA the criteria that it uses to affirmatively determine completeness of a SIP submission, which then allows EPA to move forward with formal action on the submission. However, a SIP submission that does not meet the Appendix V completeness criteria may become complete by operation of law pursuant to CAA 110(k)(1)(B) if EPA does not affirmatively determine that the SIP submission is complete by ''the date 6 months after receipt of the submission'' from the state. The submissions at issue in this rule became complete by operation of law in October 2020 for ArcelorMittal Plate LLC Coatesville, Boyertown Foundry Company, Texas Eastern Transmission LP Lilly Station, and ATI Flat Rolled Products Holdings, LLC, and in August 2021 for INDSPEC Chemical Corporation Petrolia and Grove US LLC Shady Grove Plant, six months after Pennsylvania made the submissions because EPA did not make an affirmative determination of completeness.[14] It is unclear from the comment precisely what the commenter believes are the repercussions of the alleged incompleteness; to the extent it implies that the alleged incompleteness is a barrier to EPA's proposed or final rule in this action, that belief is incorrect, because these submissions are deemed complete by operation of law. To the extent the comment implies that Appendix V and CAA 110(k)(1)(A) impose substantive approval criteria to require a ''demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented'' in this approval, EPA's responses to Comments 3 and 6, that the record supporting EPA's approval of PADEP's and ACHD's source-specific RACT II SIP revisions is sufficient, and therefore EPA does not need to supplement the record. As such, the comment's reference to EPA's inability to supplement the record, and to *Ober* v. *U.S. EPA,* 84 F.3d 304, 312 (9th Cir. 1996), is inapplicable to this action. Similarly, because EPA has determined that the existing record supports this action, the comment's discussion of the relative burden of providing any analysis beyond that already in the record is not relevant to our final action in this rule.

Comment 6: CBD's final comment relates to the results from air dispersion modeling of NO_X emissions from the JBS Swift Beef Company (JBS) facility in Colorado that they claim shows the potential impact of NO_X emissions on 1-hour NO_X NAAQS violations. The comment states that EPA or Pennsylvania must undertake a modeling analysis to determine if the proposed CbC RACT II determinations will cause or contribute to 2010 1-hour NO_X NAAQS violations. CBD asserts that EPA and Pennsylvania have the responsibility for conducting the modeling to affirmatively demonstrate that the SIP revision does not interfere with the NAAQS. Relatedly, this comment indicates that EPA must repropose this action and allow for comment on any such modeling information or other information utilized in the demonstration that the NAAQS will be protected.

Response 6: With this rule action, EPA is only approving revisions that add specific NO_X and VOC source-specific RACT II determinations to the Pennsylvania SIP. In the subject RACT II source-specific determinations, PADEP and ACHD have made an adequate showing that its source-specific determinations for individual sources at the six facilities at issue will preserve the status quo in NO_X emissions. As described in the TSD and related documents, which are included in the docket for this rule, PADEP and ACHD evaluated both the technical and economic feasibility of various control equipment for these sources and used that evaluation to determine the RACT II requirements. PADEP and ACHD also considered the prior RACT I requirements to determine whether the RACT II requirements were as stringent as the previously established standards. In circumstances where the RACT I requirements were more stringent, they were retained and remain effective. EPA determined that PADEP and ACHD adequately justified their RACT II CbC NO_X determinations and alternative NO_X emissions limits. EPA also concluded, under section 110(l), that the status quo in NO_X emissions had been maintained, if not improved, and that there is no need to conduct the modeling suggested by the comment. The record supporting EPA's approval of PADEP's and ACHD's source-specific RACT II SIP revisions is sufficient, there is no need to supplement the record, and the comment's reference to EPA's inability to supplement the record is inapplicable to this action.

The comment also included an air dispersion modeling analysis of NO_X emissions from the JBS facility in Colorado to highlight an alleged potential of NO_X emissions to cause or contribute to violations of the 2010 1-hour NO_X NAAQS. The NAAQS for nitrogen oxides is a 1-hour standard at a level of 100 ppb based on the 3-year average of 98th percentile of the yearly distribution of 1-hour daily maximum NO_2 concentrations. In 2012, EPA designated areas within Pennsylvania as attainment/unclassifiable for the 2010 standard.[15] The modeling analysis provided by the comment indicated that NO_X emissions from the JBS facility in Colorado could have significant NO_2 impacts—the maximum NO_2 concentration would occur within a 1-kilometer radius of the facility.

This modeling data analysis from Colorado does not trigger a need for EPA, Pennsylvania, or ACHD to conduct modeling on the impact of NO_X emissions from each individual source at issue in this rule in order for EPA to approve these SIP revisions. First, as discussed previously, modeling is not the sole method available to satisfy section 110(l) requirements. Second, the differences in the meteorology, terrain, and facility configurations between the JBS facility and the Pennsylvania RACT II sources are too significant to rely on the JBS facility modeling results to serve as surrogate modeling indicating that the Pennsylvania RACT II sources have the potential to cause exceedances of the 2010 1-hour NO_X NAAQS in Pennsylvania. The comment does not provide any comparison or information to show why the JBS facility modeling results would inform our analysis of the specific RACT II sources in Pennsylvania at issue in this rule. Furthermore, the comment has not presented any specific information suggesting the RACT II CbC NO_X determinations or alternative NO_X emissions limits for these specific sources could somehow lead to violations of the 2010 1-hour NO_X NAAQS. Without a more specific

[14] PADEP submitted the last of the original SIP revisions by letters dated February 9, 2021. Therefore, all proposed SIP revisions were complete by operation of law well before the March 17, 2022 (87 FR 15161) NPRM (although, PADEP submitted supplemental materials for several facilities, these supplemental submittals did not re-start the six-month completeness by-operation-of-law clock set forth at CAA 110(k)(1)(B), 42 U.S.C. 7410(k)(1)(B)).

[15] 77 FR 9532 (February 17, 2012).

allegation from the comment about the sources in question, the comment's allegations are too speculative in nature to prevent EPA from approving PADEP's and ACHD's RACT II CbC NO_X determinations or alternative NO_X emissions limits for sources at the subject facilities.

IV. Final Action

EPA is approving case-by-case RACT determinations and/or alternative NO_X emissions limits for sources at six facilities in Pennsylvania, as required to meet obligations pursuant to the 1997 and/or 2008 8-hour ozone NAAQS, as revisions to the Pennsylvania SIP.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of source-specific RACT II permits listed in table 1 of this preamble. These permits establish and require reasonably available control technology (RACT) for certain sources at four major volatile organic compound (VOC) and nitrogen oxide (NO_X) emitting facilities and two major volatile organic compound (VOC) emitting facilities. Entries for two facilities with requirements incorporated by reference previously under the RACT I rule are also revised to add new citations. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[16]

VI. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of 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).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

C. Petitions for Judicial Review

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 October 18, 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 approving Pennsylvania's NO_X and VOC RACT requirements for six facilities for the 1997 and 2008 8-hour ozone NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide,Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

For the reasons set out in the preamble, 40 CFR part 52 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 NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (d)(1) is amended by:
■ a. Revising the entries ''Lukens Steel Co.—Coatesville''; and ''Allegheny Ludlum Corporation—Brackenridge''; and
■ b. Adding entries at the end of the table for ''ArcelorMittal Plate LLC Coatesville (formerly referenced as

[16] 62 FR 27968 (May 22, 1997).

Lukens Steel Co.—Coatesville)''; ''ATI Flat Rolled Products Holdings, LLC (formerly referenced as Allegheny Ludlum Corporation—Brackenridge)''; ''Boyertown Foundry Company''; ''Grove US LLC Shady Grove Plant''; ''INDSPEC Chemical Corporation Petrolia''; and ''Texas Eastern Transmission LP Lilly Station''.

The revisions and additions read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/ §§ 52.2063 and 52.2064 citations [1]
*	*	*	*	*	*
Lukens Steel Co.—Coatesville	OP–15–0010	Chester	5/6/99	12/15/00, 65 FR 78418	See also 52.2064(j)(1).
*	*	*	*	*	*
Allegheny Ludlum Corporation—Brackenridge.	CO–260	Allegheny	12/19/96	10/18/01, 66 FR 52851	See also 52.2064(j)(2).
*	*	*	*	*	*
ArcelorMittal Plate LLC Coatesville (formerly referenced as Lukens Steel Co.—Coatesville).	15–00010	Chester	3/18/20	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(1).
ATI Flat Rolled Products Holdings, LLC (formerly referenced as Allegheny Ludlum Corporation—Brackenridge).	0059–I009a 0059–I008d	Allegheny	12/3/20 4/21/21	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(2).
Boyertown Foundry Company	06–05063	Berks	8/1/20	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(3).
Grove US LLC Shady Grove Plant	28–05004	Franklin	1/1/21	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(4).
INDSPEC Chemical Corporation Petrolia.	10–00021	Butler	12/17/20	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(5).
Texas Eastern Transmission LP Lilly Station.	11–00258	Cambria	12/10/21	8/19/2022, [insert **Federal Register** citation].	52.2064(j)(6).

[1] The cross-references that are not § 52.2064 are to material that pre-date the notebook format. For more information, see § 52.2063.

* * * * *

■ 3. Amend § 52.2064 by adding paragraph (j) to read as follows:

§ 52.2064 EPA-approved Source-Specific Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X).

* * * * *

(j) Approval of source-specific RACT requirements for 1997 and/or 2008 8-hour ozone national ambient air quality standards for the facilities listed in this paragraph are incorporated as specified. (Rulemaking Docket No. EPA–OAR–2022–0165).

(1) ArcelorMittal Plate LLC Coatesville—Incorporating by reference Permit No. 15–00010, effective March 18, 2020, as redacted by Pennsylvania, which supersedes the prior RACT Permit No. 15–0010, effective May 6, 1999, except for Conditions 18, 19, and 23–31 which remain as RACT requirements. See also § 52.2063(c)(143)(i)(B)(*11*), for prior RACT approval.

(2) ATI Flat Rolled Products Holdings, LLC—Installation Permit No. 0059–I009a effective December 3, 2020 and Installation Permit No. 0059–I008d effective April 21, 2021, as redacted by ACHD, which supersede RACT Order 260, issued December 19, 1996 to Allegheny Ludlum Corporation, except for conditions 1.1, 1.2, 1.3, 1.4, 1.9, and 1.10.

(3) Boyertown Foundry Company—Incorporating by reference Permit No. 06–05063, effective on August 1, 2020, as redacted by PADEP.

(4) Grove US LLC Shade Grove Plant—Incorporating by reference Permit No. 28–05004, effective January 1, 2020, as redacted by Pennsylvania.

(5) INDSPEC Chemical Corporation Petrolia—Incorporating by reference Permit No. 10–00021, effective December 17, 2020, as redacted by Pennsylvania. All permit conditions in the prior RACT Permit No. #10–021, effective October 10, 1998, remain as RACT requirements. See also § 52.2063(c)(186)(i)(B)(*2*), for prior RACT approval.

(6) Texas Eastern Transmission LP Lilly Station—Incorporating by reference Permit No. 11–00258, effective December 10, 2021 as redacted by Pennsylvania.

[FR Doc. 2022–17448 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–R04–OAR–2022–0408; FRL–9560–01–R4]

South Carolina; New Stationary Sources; Supplemental Delegation of Authority

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notification.

SUMMARY: On September 23, 2021, the South Carolina Department of Health and Environmental Control (SCDHEC or State agency) requested to change its delegation mechanism from ''adopt-by-reference'' to ''automatic'' for delegation of New Source Performance Standards (NSPS) under our regulations. The purpose of the State agency request for approval of the ''automatic'' delegation mechanism is to facilitate consistency with the State agency's ''automatic'' delegation mechanism for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants rules. With this NSPS delegation mechanism in place, once a new or revised rule is promulgated by EPA, delegation of authority from EPA to the State agency

will become effective on the date the rule is promulgated. No further State requests for delegation will be necessary. Likewise, no further **Federal Register** notices will be published. EPA reserves the right to implement the federal NSPS directly and continues to retain concurrent enforcement authority. EPA is providing notice that it approved SCDHEC's request on January 17, 2022.

DATES: August 19, 2022.

ADDRESSES: Copies of the request to change the delegation mechanism from ''adopt-by-reference'' to ''automatic'' are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 4, Air and Radiation Division, Air Analysis and Support Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201–1708.

Effective January 17, 2022, all requests, applications, reports, and other correspondence required by any NSPS should continue to be submitted to the following address: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201–1708.

Although the EPA is not accepting comments regarding this document, Docket ID No. EPA–R04–OAR–2022–0408 at *https://www.regulations.gov* contains relevant information related to this information document.

FOR FURTHER INFORMATION CONTACT: Tracy Watson, Stationary Source Team, Communities and Air Toxics Section, Air Analysis and Support Branch, Air and Radiation Division, Environmental Protection Agency, Region 4, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404–562–8998. Email: *watson.marion@epa.gov*

SUPPLEMENTARY INFORMATION:

I. Background

Section 301, in conjunction with sections 101 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorizes EPA to delegate authority to implement and enforce the standards set out in 40 CFR part 60, New Source Performance Standards (NSPS).

The EPA first delegated the authority for implementation and enforcement of the NSPS program to the State of South Carolina on October 19, 1976. *See* 42 FR 4188. The EPA later approved SCDHEC's request to use the ''adopt-by-reference'' delegation mechanism for implementation and enforcement of the NSPS program in South Carolina on March 27, 2001. *See* 66 FR 16606.

On September 23, 2021, the EPA received a letter from SCDHEC ''requesting to receive automatic delegation as the delegation mechanism for 40 CFR part 60, Standards of Performance for New Stationary Sources (NSPS).'' SCDHEC's letter further explained that this updated delegation method would ''replace South Carolina's current NSPS delegation mechanism of adopt-by-reference.''

II. Update to Delegation Method

After a thorough review of the request, the Regional Administrator has determined that the laws, rules, and regulations for the State agency provide an adequate and effective procedure for implementation and enforcement of the NSPS. The EPA, therefore, hereby notifies the public that it has approved the automatic delegation mechanism for delegation of the NSPS source categories. This approval became effective on January 17, 2022. A copy of the EPA's letter approving SCDHEC's request, with enclosures, is available at Docket ID No. EPA–R04–OAR–2022–0408 at *https://www.regulations.gov*.

Authority: This document is issued under the authority of sections 101, 111, and 301 of the Clean Air Act, as Amended (42 U.S.C. 7401, 7411, and 7601).

Dated: August 3, 2022.

Daniel Blackman,

Regional Administrator, Region 4.

[FR Doc. 2022–17112 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 171

[EPA–HQ–OPP–2021–0831; FRL–9134.1–04–OCSPP]

RIN 2070–AL01

Pesticides; Certification of Pesticide Applicators; Further Extension to Expiration Date of Certification Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is extending the deadline by which existing certification plans for the certification of restricted use pesticide (RUP) applicators may remain valid until either EPA has approved revised certification plans that conform to the updated federal standards or they expire, whichever is earlier, to November 4, 2023. Federal, state, territory, and tribal certifying authorities with existing certification plans are required to complete revisions to their existing plans conforming with the updated federal standards for RUP applicator certification, and the regulations establish the deadline by which the existing plans will expire unless the revised plans are approved by the Agency. EPA is extending this deadline to allow additional time for any remaining proposed certification plan modifications pending approval to continue being reviewed and approved by EPA without interruption to federal, state, territory, and tribal certification programs or to those who are certified to use RUPs under those programs.

DATES: This final rule is October 18, 2022.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0831, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Carolyn Schroeder, Pesticide Re-evaluation Division (Mail Code 7508M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2376; email address: *schroeder.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are a federal, state, territory, or tribal agency who administers a certification program for pesticides applicators. You many also be potentially affected by this action if you are: a registrant of RUP products; a person who applies RUPs, including those under the direct supervision of a certified applicator; a person who relies upon the availability of RUPs; someone who hires a certified applicator to apply an RUP; a pesticide safety educator; or other person who provides pesticide

safety training for pesticide applicator certification or recertification. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agricultural Establishments (Crop Production) (NAICS code 111);
- Nursery and Tree Production (NAICS code 111421);
- Agricultural Pest Control and Pesticide Handling on Farms (NAICS code 115112);
- Crop Advisors (NAICS codes 115112, 541690, 541712);
- Agricultural (Animal) Pest Control (Livestock Spraying) (NAICS code 115210);
- Forestry Pest Control (NAICS code 115310);
- Wood Preservation Pest Control (NAICS code 321114);
- Pesticide Registrants (NAICS code 325320);
- Pesticide Dealers (NAICS codes 424690, 424910, 444220);
- Industrial, Institutional, Structural & Health Related Pest Control (NAICS code 561710);
- Ornamental & Turf, Rights-of-Way Pest Control (NAICS code 561730);
- Environmental Protection Program Administrators (NAICS code 924110); and
- Governmental Pest Control Programs (NAICS code 926140).

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

This action is issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136–136y, particularly sections 136a(d), 136i, and 136w.

C. What action is the Agency taking?

This action extends the expiration date for existing certification plans at 40 CFR 171.5(c) from November 4, 2022, to November 4, 2023. No other changes to the certification standards and requirements specified in 40 CFR part 171 are being made in this rulemaking.

D. Why is the Agency taking this action?

Without the deadline extension, federal, state, territory, and tribal certification programs will expire if their revised certification plans are not approved by the recently modified regulatory deadline of November 4, 2022 (Ref. 1). Applicators formerly certified under such expired plans will no longer be allowed to use RUPs. While all initial draft plans have been reviewed and returned to the federal, state, territory, and tribal agencies (certifying authorities) for further revision, the recent extension of eight months (which extended the original deadline of March 4, 2022, to November 4, 2022) is not sufficient time for all certifying authorities to respond to EPA comments and to complete the approval process. Additional time is needed for EPA to work closely with the certifying authorities whose plans are still pending approval to assure that their proposed certification plan modifications will meet current federal standards.

As of July 8, 2022, EPA has approved 7 out of 68 revised certification plans and estimates that approximately half of the plans should be approved before November 2022. Although significant progress has been and continues to be made in the development of revised plans and EPA's subsequent reviews and approvals, COVID–19 resource constraints early in the review process had impacted the time certifying authorities have had to respond to EPA's comments and the Agency's ability to work with certifying authorities to assure that EPA can approve their plans by the regulatory deadline, thereby causing delays in reviews, revisions, and approvals. EPA has assessed the progress and pace of final revisions and approvals and expects the average certification plan approval process to be completed approximately a year after certifying authorities have received feedback from EPA, though this could vary depending upon individual circumstances as indicated in the responses to the public comments in Unit III. Given these assessments, EPA anticipates that at least 30 out of 68 plans might not be approved by the November 2022 deadline due in part to receiving feedback from EPA later than previously expected or due to complex issues that still need to be addressed. The plans most at risk of missing the November 2022 interim final rule (IFR) deadline account for approximately 39% of commercial applicators and 51% of private applicators, or about 45% of all currently certified applicators in the U.S. To avoid disruptions to a significant portion of the country, further collaboration is still needed between EPA and the remaining certifying authorities to finalize and approve all plans. EPA has been and will continue working expeditiously toward approving and supporting the implementation of plans that meet the current federal standards and has been providing periodic notifications to the public in the **Federal Register** and on EPA's website when those approvals have occurred. EPA intends to maintain this level of transparency as it works toward finalizing the remaining plans and aims to complete this process as quickly as possible. The public may access the most current information about the Agency's progress at *https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators* (Ref. 2).

EPA finds that an additional one-year extension of the deadline is needed to assure that applicators certified under a plan that would otherwise expire will continue to be authorized to use RUPs without interruption and to provide the remaining certifying authorities with plans pending approval with adequate time to provide responses to EPA comments on their plans. The extension will also provide additional time for EPA to work more closely with the certifying authorities to address any remaining feedback and ensure their plans meet the updated federal standards at 40 CFR part 171. EPA believes that the additional year will provide enough time to complete rolling approval of all certification plans, while also providing enough time to assess the individual-based needs of the remaining state, territory, tribal and federal plans up to the new regulatory deadline.

E. What are the estimated incremental impacts of this action?

Incremental impacts of the extension to the regulatory deadline are generally positive, because the extension provides certifying authorities and EPA with more time to ensure that all modified plans meeting the minimum federal requirements are in place, while failure to extend the regulatory deadline would likely have significant adverse impacts on the certifying authorities, the economy, public health, and the environment where plans may expire without the extension (see discussion in Unit II.B.).

The 2017 Certification of Pesticide Applicators Rule (2017 CPA Rule) (Ref. 3) established the standards for certifying RUP applicators and also set a deadline with specific consequences if a certification plan were to expire. Therefore, EPA relies on information from the 2017 CPA Rule to assess the incremental economic impacts of this proposed rule to extend the recently modified deadline of November 4, 2022 (Ref. 1), to November 4, 2023. The impacts of the extension are that the

implementation costs borne by the certifying authorities will be expended over an additional period of time and some of the costs to commercial and private applicators may be delayed. Some of the benefits of the rule (*e.g.,* reduction in acute illnesses from pesticide poisoning) are postponed as the implementation of some plans may be delayed while EPA works with the remaining certifying authorities toward approval of their revised certification plans.

1. *Cost to certifying authorities.* The 2017 CPA Rule provided a compliance period for certifying authorities to develop, obtain approval, and implement any new procedures, regulations, or statutes to meet the new federal standards. The 2017 CPA Rule further provided that existing plans could remain in effect until March 4, 2022, which was recently extended to November 4, 2022 (Ref. 1), only to the extent specified in EPA's approval of a modified certification plan; EPA did not explicitly set a date for full implementation of the new programs. Generally, certifying authorities can begin implementing revisions to their programs when they are approved by EPA; however, depending on individual state, territory, or tribal procedural requirements and existing programmatic infrastructure, portions of revised certification programs may be and, in some cases, already are being implemented in support of the 2017 CPA Rule requirements. All certifying authorities submitted their draft revised certification plans to EPA by the March 2020 submission deadline established in the 2017 CPA Rule. Shortly after the March 2020 deadline, the COVID–19 public health emergency disrupted the expected schedule of the EPA's review and approval of the draft plans. EPA and certifying authorities had to temporarily divert their resources to address pandemic-related issues, resulting in delays of revised plan reviews, approvals, and implementation than was originally anticipated. All draft plans have since undergone a detailed review at EPA and have been returned back to the certifying authorities for responses, with some having been approved by EPA. Thus, only part of the cost to certifying authorities estimated in the 2017 CPA Rule has presently been incurred and some of the cost will be expended during the additional extension period for those plans awaiting approval by EPA. Therefore, this rule is not expected to significantly change the costs to certifying authorities estimated in the 2017 Economic Analysis (EA) (Ref. 4).

2. *Cost to certified applicators.* The other sectors affected by the 2017 CPA Rule (*e.g.,* commercial and private applicators) do not incur any costs until revised certification plans take effect. Once the revised plans take effect, the 2017 EA estimated that commercial applicators and private applicators would incur annualized costs of $16.2 million and $8.6 million, respectively, to meet the new certification standards. EPA expects that around half of the plans might not be approved by November 2022, so some of these costs could be delayed as the remaining plans are approved and implemented over a longer period of time. Not all costs to certified applicators will be delayed, as a number of plans have or will soon be approved by EPA. Moreover, some certifying authorities have already begun work toward implementing their plans or will be able to start implementing changes conforming to the 2017 CPA Rule before their plan's approval.

3. *Potentially delayed benefits of the 2017 CPA Rule.* The delay in the approval of revised certification plans may also delay some benefits that would have otherwise accrued if certification plans were approved and implemented by the deadline established in the 2017 CPA Rule, as assessed in the 2017 EA. In 2017, EPA estimated that implementing the new federal certification requirements would reduce acute illness caused by exposure to RUPs, based on an analysis of pesticide incidents assuming that about 20% of poisonings are reported (a plausible estimate based on the available literature used for the 2017 EA regarding occupational injuries or chemical poisoning incidents). Incidents may result in harms to applicators, persons in the vicinity, and the environment. Reported incidents analyzed in the 2017 EA most commonly cited exposure to the applicator or farmworkers in adjacent areas. Based on avoided medical costs and lost wages, the annualized benefits of the rule were estimated to be between $51.1 and $94.4 million. In addition, EPA expected that improved training would also reduce chronic illness among applicators from repeated RUP exposure and would benefit the public from better protections from RUP exposure when occupying treated buildings or outdoor spaces, consuming treated food products, and reducing the impact on non-target plants and animals. To the extent that this rule delays implementation of the 2017 CPA Rule, it will delay accrual of some of those benefits, but only partially as a number of plans have been approved and are currently being implemented.

Not all the benefits of certification plan revisions will be delayed for a period of time up to November 4, 2023, however, since some programs have been approved and begun implementation or will be able to start implementing changes sooner than the new expiration date due as they approach approval. Certifying authorities can begin implementing their revisions to their programs as soon as they are approved by EPA, and many have begun that work. Since the most recent extension, EPA plan approvals have begun, with 7 certification plans having been approved as of July 8, 2022, and more will continue to be approved on a rolling basis. In some jurisdictions, portions of the 2017 CPA Rule revised certification requirements, such as imposing minimum age requirements and updating manuals and exam administration procedures, are already being implemented, resulting in a number of the benefits of the 2017 CPA Rule already being realized in advance of full plan approvals. Additionally, some certifying authorities were forced to make changes to their existing certification programs to accommodate COVID–19 protocols, all of which were required to meet or exceed the new requirements and standards established in the 2017 CPA Rule. While the new extension will run until November 2023, EPA anticipates approving plans on a rolling basis to conclude its approval process as soon as possible.

The impact of plans expiring absent EPA's approval of modified plans has far-reaching implications across many business sectors, including but not limited to the agricultural sector, importation and exportation business, and structural pest control (*e.g.,* termite control), and could potentially impact all communities and populations throughout the U.S. in various ways as discussed in Unit I.E.4. In addition to the potential delay of benefits that would result from this extension, EPA and certifying authorities have already invested significant resources in the preparation and review of plan modification that would fully implement the 2017 CPA Rule. It is EPA's considered judgement that the sunk cost of these investments, taken together with the significant costs of not extending the deadline for the remaining plans to be completed as discussed in Unit I.E.4., outweigh the delayed benefits in those jurisdictions. EPA has approved 7 certification plans to as of July 8, 2022, with more to follow shortly after, and EPA continues to work expeditiously with certifying authorities

to review and approve the remaining plans on a rolling basis. EPA's ongoing collaboration with the certifying authorities has and will continue to result in modified plans that are protective of the environment and human health, including the health of certified pesticide applicators and those under their direct supervision, and will ensure that certified applicators are trained to prevent bystander and worker exposures as contemplated in the 2017 CPA Rule.

4. *Costs of not extending the deadline.* If the existing regulatory deadline is not extended further, it is likely that EPA will be unable to approve some of the state, territory, tribal, and federal agency certification plans that may still need additional work and/or coordination beyond the recently revised November 2022 deadline, resulting in expiration of these plans. EPA would have to take responsibility for administering certification programs for a portion of the country where plans had expired. A gap in coverage would likely exist between when these certification plans expire and when EPA could fully implement EPA-administered certification programs, resulting in RUPs being unavailable for use in those places during the 2023 growing season and potentially through the end of 2023 or longer. It is also unlikely that EPA's certification programs would offer the same availability and convenience as those offered by state, territorial, and tribal certifying authorities, so some applicators could face higher costs (*e.g.,* due to time commitment changes, new travel expenses to attend trainings, frequency of access, etc.) or be unable to obtain certification to apply RUPs. Once the EPA-administered certification plans are in place, they may, in some cases be less protective than state plans would be, as many state plans include requirements that are more protective than the EPA minimum requirements. The benefits of these more protective state requirements will be lost if the deadline is not extended and EPA takes over parts of the country's certification programs.

Furthermore, the expiration of certification plans could lead to confusion and potential enforcement issues when certifications that were formerly valid suddenly expire. It is also unlikely that EPA's certification programs could offer the depth of specialization found in many State, territorial and tribal certifying programs, which may be tailored to the particular pest control and human health needs commonly found in these localities. Thus, applicators certified under EPA programs would only be assessed for competency at the minimum federal standards and may not receive the specialized training that state, territorial, and tribal certifying authorities often provide. In addition, many states require professional applicators to be trained and licensed to apply general use pesticides and it is unclear to what extent states would be able to support those programs if they were to lose authority to certify RUP applicators because in some cases, both programs are intertwined.

Additionally, EPA would be compelled to expend time and resources in establishing the infrastructure to administer these certification programs, which would further delay coordination with certifying authorities whose plans were either approved and would be in the process of being implemented or are awaiting approval. This is likely to cause significant disruption for agricultural, commercial, and governmental users of RUPs, and could have consequences for pest control in a broad variety of areas, including but not limited to the control of public health pests (*e.g.,* mosquito control programs), pests that impact agriculture and livestock operations, structural pests (*e.g.,* termite control), pests that threaten state and national forests, and pests in containerized cargo. Applicators who use RUPs and are licensed under affected programs would likely lose work and income as a result.

II. Background and Goals of This Rulemaking

A. Background

On December 20, 2021, EPA issued an IFR that extended the original expiration date from March 4, 2022, to November 4, 2022 (Ref. 1). Unit II. of the IFR's preamble provides a summary of the 2017 CPA Rule and related background, as well as a robust discussion of the various circumstances that prompted the extension and the rationale the Agency cited for issuing the IFR.

On February 7, 2022, EPA proposed to extend the November 4, 2022 deadline up to but not longer than November 4, 2024 (Ref. 5). EPA proposed this additional extension because the Agency recognized that some certifying authorities and EPA would potentially need more time to collaborate on and address issues raised during review of the plans, and the Agency did not have enough information to adequately assess how much additional time would be needed to complete this process at the time the proposal was published. EPA expressly requested public comment on the need for and appropriate length of a longer extension. EPA has taken these public comments, which are addressed further in Unit III., into consideration in concert with the overall status of the plan approval process to date.

B. Goals of This Rulemaking

An additional extension of the expiration date for existing certification plans is needed to ensure that any remaining federal, state, territory, and tribal agencies waiting on certification plan approval have sufficient time to revise their certification plans in response to EPA's feedback on their draft certification plans. Absent an extension of this deadline, it is likely that a number of State, territory, and tribal agency certification programs will terminate, causing severe disruption for agricultural, commercial, and governmental users of RUPs. Failure to extend the regulatory deadline, and the resulting expiration of many certification programs, would significantly limit access to certification, thereby limiting access to RUPs that are necessary for various industries that rely upon pest control.

If EPA does not act to extend the regulatory deadline, many existing certification plans that remain in effect pending EPA's review of submitted certification plan modifications would expire on November 4, 2022, in which case FIFRA (7 U.S.C. 136i(a)) requires that EPA provide RUP applicator certification programs in states (including territories) where a state certification plan is not approved. If EPA had to take on the burden of administering certification programs for much of the country, it would draw resources away from concluding the Agency's approval process for the remaining plans and the Agency's ability to support certifying authorities with implementation of the certification plans that are approved before the November 2022 deadline. In addition, it would take significant time and resources to set up the infrastructure for such federal certification programs and to train, test, and certify applicators, which would likely result in RUP use being curtailed in affected states. It is unlikely that EPA would be able to establish these federal certification programs before the start of the 2023 growing season, which would have potentially devastating impacts on the agricultural sector in the parts of the country without approved plans. Moreover, once EPA-administered state certification programs were established, it is unlikely that they would operate at the same capacity as existing state programs, but rather, would provide fewer and less localized opportunities

for applicators to satisfy certification requirements. As a result, significant impacts are expected on the pest control industry in jurisdictions without an approved plan, as existing certifications will no longer be valid and will need to be replaced with federal certifications, likely creating economic and public health ramifications in a wide range of sectors such as agricultural commodity production, public health pest control, and industrial, institutional, and structural pest control. RUP access in this scenario would be minimal for most, if not all, of the 2023 growing season, and significant disruptions could extend even further. This action would ensure that any remaining work can be completed with minimal impacts.

III. Public Comments

Two 30-day public comment periods were held in relation to extending the expiration date of existing plans. The first comment period closed on January 20, 2022, which were in response to the IFR extending the original expiration date for existing plans from March 4, 2022, to November 4, 2022 (Ref. 1). The second public comment period closed on March 9, 2022, which addressed the NPRM to further extend the expiration date up to but not longer than an additional two years, from November 4, 2022, to November 4, 2024 (Ref. 5). Between the two public comment periods, EPA received 22 submissions to the docket, comprising of 20 different commenters. Commenters included members of the public, state pesticide regulatory agencies and associations, an industry stakeholder, and farmworker advocacy organizations. A summary of and EPA's responses to the comments both in support of and in opposition to the proposed two-year extension are addressed in Units III.A. and B., respectively.

A. Support for a Two-Year Extension

1. General Support From Members of the Public

a. Summary of comments. EPA received 12 general comments from members of the public, 11 of which provided comments that expressed overall support of EPA's proposal to extend the deadline up to two years, while one other provided comments not specific to this action. The comments submitted acknowledged the challenges faced by many during the COVID–19 public health emergency, and the impacts it has had on both certifying authorities and EPA's ability to review, respond, and approve certification plans. Some of these commenters stated that extensive and thorough review is needed to ensure public safety and to minimize any risks, and that these reviews should not be rushed through the process. Some of the commenters also referenced EPA's assessment in the NPRM on the potential impacts across the various sectors of the pest control industry, agriculture, and the public overall should existing plans expire without an approved plan in place, and that two years to complete these reviews should be enough time to complete reviews while avoiding disruptions throughout the country.

b. EPA response. EPA appreciates the commenters' general support of the proposed rule to extend the deadline for amended certification plans to be approved by the Agency. EPA agrees with the commenters that additional time is needed to ensure that all certification plans are thoroughly reviewed and meet or exceed the updated federal standards for the certification of RUP applicators. While EPA initially proposed an extension of up to but not longer than two years, in light of other comments received in response to the NPRM and the progress the Agency has made on approving plans to date, EPA has determined that an extension of one additional year, to November 4, 2023, should be sufficient time to conclude its approval process for all certification plans submitted to the Agency.

2. Support for an Extension of Two years From State Lead Agencies (SLAs) and Industry Stakeholders

a. Summary of comments. EPA received one comment from an industry stakeholder, four comments from SLAs, and two comments from the Association of American Pesticide Control Officials (AAPCO). In general, these commenters expressed support for an extension of two years to November 4, 2024. Their support for a two-year extension revolved around the need to maintain continuity for pesticide applicators and expressed general concerns on both the economic and environmental aspects of plans expiring if all are not approved by the revised expiration date established in the IFR. More specific comments and EPA's responses are provided in the following sections.

i. The IFR extension to November 4, 2022, is insufficient. AAPCO and the three SLAs who submitted comments to EPA all expressed support for EPA's IFR extending the deadline to November 4, 2022, given the pressures that COVID–19 had on completing EPA reviews and approvals and the limited amount of time the certifying authorities had to respond to EPA's feedback leading up to the original deadline of March 4, 2022. However, all expressed concern that the additional eight months provided in the IFR would not be enough time for all certifying authorities to review and respond to EPA's input and for EPA to approve them before the existing plans are set to expire.

The commenters noted that slightly more than half of the plans submitted to EPA at the time of the IFR publication had been returned to the certifying authorities, and that the remaining would likely not be returned to the certifying authorities until February 2022 according to the IFR assessments. In their submitted comments, AAPCO reported that in a survey conducted of its membership that concluded on February 25, 2022, some detailed reviews took EPA 17 to 22 or more months to return since the certifying authorities first submitted their plans to EPA, with four certifying authorities indicating they had not yet received their detailed review comments prior to the conclusion of their survey. As of February 25, 2022, approximately six certifying authorities indicated they had returned their revisions for approval, and that no certifying authority had yet received approval from EPA. Based on the time it has taken to complete the detailed review of the plans and to revise plans in response to EPA's reviews, the commenters felt that the additional eight months in the IFR did not seem adequate for EPA to complete the final reviews and approval processes for all of the revised plans. The commenters acknowledged that extensive review is necessary to ensure revised plans meet the requirements of the 2017 CPA Rule, and that the level of detail and the length of time until completion of EPA's review and approval ensures that revised plans meet the federal requirements and provide the necessary protections to pesticides applicators, those under their supervision, and bystanders. The commenters also recognized the impacts COVID–19 had on EPA's ability to complete the review and approvals by the original deadline and believe the impacts will potentially impacting conclusion of reviews leading up to the revised IFR deadline.

Given that EPA needed more time to complete its reviews, the SLA commenters requested that EPA acknowledge the impacts of COVID–19 on their programs and resources and to provide the same time allowances the Agency took to review the plans so that certifying authorities can appropriately respond to the extensive comments and ultimately implement the final approved plans. Specifically, commenters cited the challenges

certifying authorities have faced attempting to overhaul their certification plans, such as the complexities and administrative hurdles it faces such as on-going state-level legislative factors, and these particular challenges must be considered in the review and approval process. The commenters did not believe that all certifying authorities, especially those who did not receive EPA input until February 2022, could complete these tasks by the November 2022 deadline, and that the certifying authorities that received their plans later should be given an equitable amount of time to respond to comments.

ii. Requests for a two-year extension to November 4, 2024. AAPCO, the SLAs, and the industry stakeholder all recommended that EPA extend the deadline for two years to November 4, 2024. Citing the delays that were discussed in comments in Unit III.A.2.b., commenters stated that while they are committed to implementing the changes under the 2017 CPA Rule, it is conceivable that an additional round of review to verify that any remaining issues have been addressed by the certifying authority could push the plan approval process beyond the IFR expiration date of November 4, 2022. Given the complexity of issues across the states, differences in legislative schedules and bills and administrative requirements that impacts state licensing programs, the commenters felt that these additional considerations warrant a further extension of two years to avoid potential negative impacts to farmers, ranchers, foresters, structural pest control professionals, and other industries and the public.

b. EPA response. EPA agrees with the commenters that additional time is needed to ensure that all certification plans are thoroughly reviewed and meet or exceed the updated federal standards for the certification of RUP applicators. EPA also agrees with the commenters that certifying authorities who received their plans late should be given adequate time to review and respond to EPA's comments and acknowledges that there continues to be a need for EPA and some of the certifying authorities to collaborate on completing their plans. EPA agrees with the commenters that an additional extension ensures continual protection of pesticide applicators, provides EPA and certifying authorities the time needed to continue to work together to realize approval of plans and ultimately successful implementation of the 2017 CPA Rule, and avoids unintended economic and environmental risks associated with lapsed certification plans in any jurisdiction without an approved certification program in place.

While EPA initially proposed an extension of up to but not longer than two years, in light of other comments received in response to the NPRM and the progress the Agency has made on approving plans to date, EPA has determined that an extension of one additional year, to November 4, 2023, should be sufficient time to conclude its approval process for all certification plans submitted to the Agency. Based on the timelines from EPA's most recently approved plans and ongoing collaboration with the certifying authorities, EPA estimates that most revisions by the certifying authorities, and EPA's second pass review and collaboration with the certifying authorities to complete the approval process, will take on average a year after having been returned to the certifying authority. The certifying authorities most at risk of not having their plans approved are those who had received their plans late, as indicated in the comments submitted by AAPCO. Additionally, several other plans with more complex issues or administrative requirements are expected to take longer to approve than average and will likely also miss the November 2022 deadline. As noted in one of the state agency's comments, EPA recognizes that there may be unforeseen circumstances or additional complexities within each state, tribe, or territory's internal legislative or administrative processes that may result in the final revision and approval process taking additional time beyond EPA's average estimates. While EPA expects to approve around half of the plans before November 2022, the Agency has identified at least 30 out of 68 plans that are the most at risk of missing the IFR deadline of November 4, 2022. The Agency is confident, however, that all plan approvals can be concluded before the new deadline of November 4, 2023.

B. Opposition to a Two-Year Extension

EPA received three comments in opposition to the extension from two groups, which included a group of farmworker advocacy organizations who provided joint comments on both the IFR and NPRM, and a group of former regulators who provided comments on the NPRM. In summary, both commenters opposed the proposal to extend the existing deadline for an additional two years up to November 4, 2024, though each had different perspectives on appropriate approaches and length of potential extensions, which are addressed in the following sections.

1. Delay Beyond November 4, 2022, Is Unacceptable and Would Undermine 2017 CPA Rule

a. Summary of comments. The farmworker advocacy commenters state that at the time EPA adopted the 2017 CPA Rule, the previously existing rule had not been meaningfully updated in approximately 40 years and were under-protective, and that the 2017 CPA Rule imposed stricter certification and training standards that were necessary to meet the FIFRA mandate to ensure that RUPs do not cause unreasonable adverse effects to applicators, workers, the public, or the environment. The commenters state that until all plans are updated and approved by EPA as consistent with 2017 CPA Rule, applicators, workers, their families, communities, and others will remain at heightened risk of harm from RUPs.

Among the changes made in the 2017 CPA Rule, the farmworker advocacy groups cited requirements that were particularly important to their organizations, members, and constituents, including: Increasing the minimum age of 18 to be certified as commercial or private applicator as well as performing work as a non-certified applicator under their direct supervision; The creation of new categories for those performing aerial pest control, soil fumigation, and non-soil fumigation to increase training content to avert drift during spray applications; and, The addition of training requirements for non-certified applicators who work under the direct supervision of a certified applicator to ensure they have frequent and adequate training of pesticides and pesticide use. The farmworker advocacy commenters felt that so long as certifying authorities implementing certification programs exclude some of the requirements in the 2017 CPA Rule, high rates of preventable acute and chronic illness will persist among RUP applicators and the broader public. The commenters also referenced *PCUN* v. *Pruitt* (Ref. 6) in which EPA lost a previous attempt at extending the 2017 CPA Rule's effective date. The commenters relied on the opinion for this case, which stated that if implementation of the 2017 CPA Rule were to be delayed, individuals will continue to be exposed to these dangers and will not benefit from the more stringent regulations provided by the revised regulations, as additional support for why an additional extension to the existing plans should not be finalized.

Commenters who opposed the additional two-year extension did not believe that EPA adequately explained

why a two-year extension (from November 4, 2022, up to November 4, 2024) was necessary, and that it is difficult to understand the justification of extending the deadline to what amounts to a nearly three-year extension beyond the original deadline of March 4, 2022. Commenters urged that it would be helpful to have details on the status of EPA's review of all 68 submissions, and when the Agency estimates its reviews and approvals to completed, in order to understand the need for an additional extension to the deadline.

In the comments submitted jointly by farmworker advocacy organizations, the commenters expressed disappointment by the IFR extension and were not persuaded that there was a need for any extension of the deadline beyond November 4, 2022. The commenters stated that under the 2017 CPA Rule, the Agency had two full years since the March 2020 deadline for receiving states, territories, and tribes' draft updated certification plans to review those plans, work with the submitters as needed to revise them, and then approve compliant plans before the old, non-compliant plans expired. They also argue that while EPA points to COVID–19 to justify its IFR extension, the dangers farmworkers, agricultural workers, and non-certified applicators face from COVID–19 underscore why the new standards and training should go into effect without further delay, noting that agricultural workers are at greater risk from COVID–19 than the general public for a variety of reasons, including that they have had less access to vaccines, are often unable to miss work when they are sick, have limited ability to social distance, and often lack access to a supply of adequate masks. Moreover, they state that a disproportionate number of agricultural workers suffer from health problems, such as obesity and high blood pressure, which predispose them to a more serious course of COVID if they become infected. As a result, they argue that agricultural workers' exposures to certain pesticides can result in inflammation and other health effects that make them even more susceptible to getting COVID–19, and more likely to have serious effects if they do. The commenters expressed a concern that delayed implementation of the 2017 CPA Rule will increase agricultural workers' exposure to RUPs, thereby compromising their health and further jeopardizing their ability to avoid COVID–19 infection or recover quickly. The commenters also suggest that even if COVID–19 could justify an extension, the eight-month extension adopted in the IFR should be sufficient to make up for the lost time in the initial months of responding to the pandemic.

The farmworker advocacy groups go on to state that based on EPA's assessment and representation of the progress it has made in the NPRM, citing that all plans would be returned to the certifying authorities in February 2022, and that it appeared to be on track to meet the November 2022 deadline, that an additional two-year extension was unnecessary. The commenters stated that they understood that once the plans were returned to the certifying authorities, EPA's work would not be done because those certifying authorities will need to respond to EPA's comments and make revisions so that their certification plans are approvable, and that EPA will need to be a collaborator in this process, and then approve the plans once compliant. However, the commenters stated that if EPA treats this work as a priority, then they believe the extension EPA has already given itself in the IFR should be sufficient time to complete this process, especially given the significant progress that the Agency has already claimed had been made in the development of revised plans and EPA's subsequent reviews.

b. EPA response. EPA agrees with the commenters about the importance of the 2017 CPA Rule and the beneficial impacts that updated certification plans will provide to applicators, workers, the public, and the environment, and the Agency is prioritizing its efforts to ensure that its reviews and any subsequent revisions are thorough before approving the plans. These revisions were intended to reduce occupational pesticide exposure and the incidence of related illness among certified applicators, noncertified applicators working under their direct supervision, and agricultural workers, and to ensure that when used according to their labeling, RUPs do not cause unreasonable adverse effects to applicators, workers, the public, or the environment. Discussions with state regulatory partners and key stakeholders over many years, together with EPA's review of incident data, led EPA to make these important changes, and implementing these changes is a top priority for the Agency.

While EPA found that the 2017 CPA Rule changes were necessary to reduce occupational and bystander exposures and stands by the administrative record for that rule, the Agency finds that it is also necessary to take into account the economic, social, and environmental costs and benefits of the use of any pesticide. Though the impacts of potentially delayed benefits are an important consideration on any length of time EPA extends the expiration date of existing plans, this rulemaking must also take into consideration the potential economic, social, and human health impacts associated with the potential for any of the state, tribal, or territory programs to expire, and the potential impact that may have on business and industries to those who rely on their pest control services, including the general public. The Agency has discussed these concerns and issues more comprehensively in Unit I.E.

EPA notes that when it issued the NPRM, the Agency did not have enough information to assess the costs and impacts of any extension nor how much time would be needed to complete all reviews, and therefore, the Agency used a qualitative assessment with broad assumptions that all certifying authorities would need additional time beyond November 2022. However, the Agency stated that it intended to conclude all of its detailed reviews by February 2022 and to begin approving plans shortly after once they were returned to the certifying authorities. EPA also committed in the proposal to work expeditiously toward concluding this process to limit the potential impacts of delayed implementation, with the first plans being approved in March 2022. As of July 8, 2022, EPA has approved 7 plans and continues to make considerable progress toward approving plans that certifying authorities can begin to implement or work toward implementation immediately. EPA expects to approve approximately half of the certification plans by November 2022.

Based on the pace that EPA has established in working with certifying authorities on final plan revisions and ultimately approving certification plans since the promulgation of the IFR extension date, EPA estimates that a certification plan approval can take approximately a year or more after the certifying authority has received EPA's feedback and responded to those comments accordingly. This is largely dependent on when comments were returned to the certifying authority, the quantity and complexity of the feedback EPA provided to the certifying authority, and whether there are any other legislative or administrative processes and considerations within the jurisdiction that must be addressed before resubmission to EPA for approval. The certifying authorities who received EPA comments after October 2021 and those with more complex

issues and administrative requirements are the most at risk of missing the IFR deadline of November 2022.

Because a substantial number of certifying authorities require additional time to complete this process, EPA still finds that a regulatory deadline extension is needed, though EPA has reconsidered the length of time it originally proposed. Based on the concerns expressed by farmworker advocacy organizations regarding delayed benefits and the countervailing concerns expressed by the certifying authorities about their ability to respond to EPA comments and to conclude the plan approval process before the IFR deadline, EPA believes that a one-year extension instead of the proposed two-year extension should provide adequate time to complete the plans that are expected to remain in the review and approval process after November 2022. EPA also discusses this decision in Unit III.B.3. regarding presented options to the Agency as an alternative to the proposal. EPA remains committed to concluding these reviews as soon as possible and keeping the Agency's website updated on its progress as they happen. Based on its progress, EPA anticipates remaining plans will be approved before the new extension date of November 4, 2023.

To maintain transparency in the progress of the certification plan approvals, EPA has established and maintains information on the current status of certification plan approvals on its website (Ref. 2). The status table on this web page is updated frequently with information as plans are returned back to the certifying authority for additional revision, whether revisions were resubmitted to the Agency, and when the Agency has approved plans. Additionally, EPA intends to formally provide batch **Federal Register** notices on a quarterly basis identifying the certification plans that have been approved and started the implementation phase.

2. Proposed Extension Rule Violates and Is Not Exempt From the National Environmental Policy Act (NEPA).

a. Summary of comment. The farmworker advocacy commenters are concerned that EPA violated NEPA (42 U.S.C. 4321 *et seq.*) by failing to consider the significant environmental and health impacts of, and alternatives to the Proposed Rule. They argue that extending the existing plans' expiration date by another two years constitutes a major federal action that has foreseeable environmental and public health consequences and thus required the Agency to comply with NEPA. They argue that the proposed rule is a major federal action that does not qualify for a categorical exclusion from NEPA compliance and will have a significantly adverse effect on the environment and public health. They argue that EPA's failure to consider, let alone disclose, these impacts and to take the needed hard look at ''the direct, indirect, or cumulative'' impacts of its proposed action is in direct violation of NEPA's purpose to ensure both the agency and public are aware of the potentially adverse effects of the agency action.

Moreover, the commenters argue that the two-year delay in implementing the 2017 CPA Rule constitutes official policy in that it will substantially alter EPA's initial action to ensure that the much-needed 2017 CPA Rule is implemented in a timely manner to provide needed protections for the use of the most dangerous pesticides. They state that EPA's own regulations acknowledges that RUPs cause unreasonable adverse effects on the environment even when applied in accordance with the currently prescribed uses, and that EPA found adoption of the 2017 CPA Rule necessary to ensure that RUPs do not cause unreasonable adverse effects to applicators, workers, the public, or the environment. The commenter also cites the previous Administration's attempt to delay the 2017 CPA Rule several times, which was stopped in court (Ref. 6). The commenters state that EPA cannot now propose such a lengthy delay absent considering the on-the-ground, adverse impacts to the environment and human health from allowing RUPs to be applied absent the protections guaranteed by the 2017 CPA Rule.

For these reasons, the commenter argues that EPA needed to take the requisite hard look at the foreseeable impacts of delaying this rule another two full years, and likewise to consider a reasonable range of alternatives. The commenter states that EPA did not even reference NEPA, let alone explain how, if at all, the two-year delay of the protections guaranteed by the 2017 CPA Rule, does not require NEPA analysis. Numerous cases, however, have held that when proposed regulations have foreseeable environmental consequences, the agency must complete the NEPA process by preparing an Environmental Assessment or EIS.

The commenter states that EPA needs to satisfy the dual requirements of NEPA to inform agency decision-makers of the environmental effects of proposed major federal actions and to ensure that relevant information is made available to the public. Delaying the 2017 CPA Rule's implementation by two years with no analysis of impacts or alternatives violates NEPA.

b. EPA response. While EPA thanks the commenter for their feedback, years of jurisprudence demonstrates that EPA actions under FIFRA are not subject to NEPA requirements under the NEPA Functional Equivalence Exemption. The Functional Equivalence Exemption first arose in *Portland Cement Ass'n* v. *Ruckelshaus,* 486 F.2d 375 (D.C. Cir. 1973) (''*Portland Cement*'') which involved the promulgation of new source performance standards under section 111 of the Clean Air Act (CAA). Plaintiffs challenged the Agency's decision to promulgate the standards without preparing an environmental impact statement (EIS).

The *Portland Cement* court considered several arguments for why NEPA should not apply in this case and decided against granting EPA a broad exemption from NEPA compliance. *Id.* at 385. In holding that CAA section 111, properly construed, was functionally equivalent to a NEPA environmental impact statement, the court considered these factors: (1) CAA section 111 required that the Administrator accompany a proposed standard with a statement of reasons; (2) Said statement set forth the environmental considerations, pro and con which have been taken into account as required by the CAA; (3) The proposed rule provided notice and an opportunity for public comment; and (4) There was an opportunity for judicial review. *Id.* at 384–386. The court acknowledged that the rulemaking process provided a ''workable balance'' between some of the advantages and disadvantages of full application of NEPA. Id. at 386. The court was clear when it stated that ''NEPA must be accorded full vitality as to non-environmental agencies.'' *Id.* at 387.

The NEPA Functional Equivalence Test was first applied to a FIFRA action in *Envtl. Defense Fund, Inc.* v. *EPA,* 489 F.2d 1247 (D.C. Cir. 1973). In this case, several parties petitioned the Court for review of EPA's FIFRA order cancelling almost all registrations for use of DDT, in part on the ground that the order did not comply with NEPA requirements. On the NEPA claim, the court concluded that ''where an agency is engaged primarily in an examination of environmental questions, where substantive and procedural standards ensure full and adequate consideration of environmental issues, then formal compliance with NEPA is not necessary, but functional compliance is sufficient.'' *EDF* at 1257.

The court found that the rationale developed in *Portland Cement* applied in this case and that ''an exemption from the strict letter of the NEPA requirements'' was appropriate. *EDF* at 1256. The court considered that FIFRA requires that pesticides be deregistered if they will be injurious to man and his environment and that this standard placed ''great emphasis on the quality of man's environment.'' *Id.* Further, the court found that FIFRA's procedural standards provided the opportunity for thorough consideration of the environmental issues and provided for judicial review. *Id.* In this case, EPA held hearings, solicited public comment and considered a wide scope of environmental aspects. *Id.* The court found that the functional equivalent of a NEPA investigation was provided because ''all of the five core NEPA issues were carefully considered: the environmental impact of the action, possible adverse environmental effects, possible alternatives, the relationship between long-and short-term uses and goals, and any irreversible commitments of resources—all received attention during the hearings and decision-making process.'' *Id.*

In *State of Wyo.* v. *Hathaway,* 525 F.2d 66 (10th Cir. 1975) (''Hathaway''), another FIFRA case involving suspending the registration of certain pesticides without preparation of an EIS, the Tenth Circuit Court of Appeals based the NEPA exemption on broader grounds than those in *Portland Cement.* ''At the time that NEPA was passed the EPA had not been organized. Furthermore, the substance of NEPA is such as to itself exempt EPA from the requirement of filing an impact statement. Its object is to develop in the other departments of the government a consciousness of environmental consequences. The impact statement is merely an implement devised by Congress to require government agencies to think about and weigh environmental factors before acting. Considered in this light, an organization like EPA whose regulatory activities are necessarily concerned with environmental consequences need not stop in the middle of its proceedings in order to issue a separate and distinct impact statement just to be issuing it. To so require would decrease environmental protection activity rather than increase it. If EPA fails to give ample environmental consideration to its orders, its failure in this regard can be corrected when the order is judicially reviewed.'' *Hathaway* at 71–72.

Finally, in *Merrell* v. *Thomas,* 807 F.2d 776 (9th Cir. 1986) (''Merrell''), the only legal issue was whether EPA was required to comply with NEPA before it registered seven herbicides under FIFRA. The Ninth Circuit affirmed the district court decision that EPA did not need to comply with NEPA. *Merrell* at 776. It came to that conclusion after examining FIFRA's registration procedure, its registration standard, and the applicable review procedures. *Id.* The Ninth Circuit focused its analysis on the differences, rather than the similarities, of FIFRA and NEPA in reaching its decision.

The Ninth Circuit looked at the fact that EPA did not revise its regulations to require NEPA compliance and that Congress amended FIFRA several times in the 1970s and 1980s by adding environmental provisions and limited public participation procedures rather than mandating that EPA comply with NEPA. *Id.* at 778–780. The Ninth Circuit recognized that the FIFRA amendments reflected a compromise between environmentalists, farmers and manufacturers and that ''(t)o apply NEPA to FIFRA's registration process would sabotage the delicate machinery that Congress designed to register new pesticides.'' *Id.* at 779.

Here, it is clear the NEPA Functional Equivalence Doctrine exempts EPA's extension of the deadline for the expiration of current certification and training plans from NEPA compliance. Applying the Functional Equivalence Test factors: (1) The authority for the current extension of the deadline comes from FIFRA sections 6(d), 11 and 25, each of which set certain standards and procedural requirements for promulgation of actions; (2) Both the proposed and current final rule extending the deadline have taken into account environmental considerations, such as a reduction in incidents causing harm to the environment, costs and benefits, and alternative options; (3) The proposal accompanying this final rule provided an opportunity for public notice and comment and both the proposal and this final rule involve consultation with USDA as well as SAP; and finally (4) Upon finalization of this rule, there will be opportunity for judicial review. Moreover, the *Hathaway* and *Merrell* cases further demonstrate that EPA's extension of the deadline for expiration of current plans should not be subject to NEPA requirements.

In *Merrell,* the Ninth Circuit recognized Congress amended FIFRA several times in the 1970s and 1980s by adding environmental provisions and limited public participation procedures rather than mandating that EPA comply with NEPA, further demonstrating Congressional intent that EPA need not comply with NEPA in FIFRA registration actions. FIFRA section 25, which mandates the authority of the Administrator and sets requirements for rulemaking under FIFRA, was also amended several times since the establishment of NEPA, most recently in 1996. The fact that Congress chose not to amend Section 25 of FIFRA to include compliance with NEPA further illustrates Congress's intent that EPA need not comply with NEPA in promulgating regulations under FIFRA. Finally, in *Hathaway,* the Tenth Circuit found that the substance of NEPA is such as to itself exempt EPA from the requirement of filing an impact statement and that an organization like EPA whose regulatory activities are necessarily concerned with environmental consequences need not stop in the middle of its proceedings in order to issue a separate and distinct impact statement just to be issuing it. For these reasons, EPA's current rule extending the expiration deadline of current certification and training plans is exempt from compliance with NEPA.

3. Alternatives to a Two-Year Extension to the Deadline

a. Summary of comment. The comments from former regulators stated that it was unwise and unnecessary to extend the existing certification plans for all certifying entities for two additional years. In their view, they felt that nearly six years should ordinarily be more than sufficient to complete the revision and approval process, but they recognized the extraordinary pressures that the COVID–19 pandemic has caused and understood that some further time might be needed for some certifying entities to finish their work. However, the commenter was not convinced that two years was necessary to complete this work, particularly considering EPA's assessment in the NPRM that a substantial number of plans were expected to be approved by November 4, 2022. A major concern expressed was related to whether such an extension would reduce the sense of urgency to complete revisions and approvals if extended up to two years, as well whether it would reduce a sense of urgency to implement those changes. Instead of a two-year extension, the commenter offered several alternatives to consider.

i. Conditional extensions: The commenter recommended that EPA issue a final rule that gives itself the authority to grant legitimately needed extensions on a case-by-case basis. Under such authority, the Agency could carefully examine the status of its review of each certifying entity's

submission and extend the expiration date of the entity's existing certification plan only for as long as necessary to allow submission and approval of a revised plan that meets the new requirements of EPA's 2017 CPA Rule amendments to 40 CFR part 171.

In the comment, they noted that neither the 2017 CPA Rule, the 2021 IFR, nor the 2022 NPRM contained any provision setting a deadline for implementation of new elements of the revised plans, and that according to EPA, a revised plan must set out the entity's proposed implementation schedule. The commenter understood that, once EPA approves a revised plan, a certifying entity will be bound by the implementation schedule in its newly approved certification plan to put the required changes into practice, and that, as those changes are made, they will supersede the existing certification plan.

The commenter recommended that any final extension rule should require a certifying authority to implement new elements of its certification plan as soon as possible, and in many cases that would be before EPA approves the full plan. Once the Agency has determined that a particular part of an entity's revised plan is acceptable, the commenter felt that there was no reason why the entity could not begin immediately to make it operational. The commenter also recommended that EPA require the entity to begin implementation of an element as soon as it is accepted by the agency. For example, the commenter believed that in most, if not all states, a certifying entity could quickly start to enhance the security around the administration of certification exams. Entities can also require photo-identification from test takers, and they can take other steps to minimize cheating. The quicker new elements become effective, the sooner the expected benefits of the 2017 CPA Rule will be realized.

ii. Incentivize certifying entities to complete the CPA plan approval process. Under the current and proposed rules, certifying entities do not have strong incentives to complete the certification plan approval process. The commenter suggested that the prospect that EPA will not approve a plan and will instead administer a federally run certification plan clearly provides some incentive, and that certifying entities and the users of RUPs would probably prefer not to have to deal with an EPA program. The commenter felt that the EPA program would almost certainly be less convenient in many ways, but, if EPA is willing to extend existing certification plans as long as the approval process continues, certifying entities may feel little worry about the threat of an EPA takeover of their CPA programs.

The commenter also stated that EPA could issue a final rule that gives certifying entities more compelling reasons to try to secure EPA approval of their plans as quickly as possible. For example, the commenter suggested that EPA's final rule could give itself authority to withhold or reduce FIFRA programmatic and enforcement grants from an entity if, in the agency's view, the entity is not making reasonable progress toward completion of the certification plan approval process. The commenter suggested that EPA could also consider other ways it could incentivize entities to move expeditiously to finish the approval process.

iii. Promulgate a rule that directly implements requirements of the 2017 CPA Rule. The commenter states that the 2017 CPA Rule establishes a series of very important requirements that a certifying entity must meet if it wishes to administer a certification plan, and that many of these requirements would directly affect the users of RUPs who wish to become certified. For example, EPA's 2017 CPA Rule prohibits an entity from issuing an applicator certification to anyone younger than 18 years old and requires that the entity prohibit anyone younger than 18 from using a RUP under the direct supervision of a certified applicator. In addition, the 2017 CPA Rule prohibits the application of a RUP by an uncertified individual under the direct supervision of a certified applicator unless the individual has received certain basic training. The 2017 CPA Rule also requires an entity to establish a renewal period of no longer than five years for applicator certifications. These requirements, as the commenter notes, are not self-executing. To apply to RUP users within its jurisdiction, a certifying authority must codify the requirements in statutes or regulations.

To ensure that CPA protections become realized, the commenter recommended an option that EPA promulgate a rule that makes them binding on RUP users, without depending on the actions of a certifying authority. The commenter suggested that EPA could use its authority under FIFRA section 3(d)(1)(C)(ii) to issue rules establishing additional ''other regulatory restrictions'' on pesticides classified for use only by certified applicators. The commenter stated that such a rule, at a minimum, should prohibit the use of a RUP product by any person who is younger than 18 and prohibit use by an uncertified individual who has not received the basic training specified in the 2017 CPA Rule. The commenter also suggested that EPA could consider a rule which provides that no applicator certification shall be valid for longer than five years; in effect, such a provision would mandate the periodic renewal of applicator certifications.

iv. Blanket extension of up to one-year. The commenter recognized that EPA may determine that recommendations in Unit III.B.3.a.i. through iii. should not be implemented in the final rule because the recommendations could arguably be deemed to not be a ''logical outgrowth'' of the NPRM. If the Agency were to make such a determination, the commenter encouraged the Agency to consider incorporating these recommendations into any future rulemaking that might address further extension of existing certification plans while EPA reviews continue. For example, if the Agency decides to grant a shorter, across-the-board extension than it had proposed, they acknowledge that there may still be a legitimate need for some additional case-by-case extensions. If EPA were to decide to conduct another rulemaking to grant such extensions, the commenter felt the recommendations that were not accepted could be addressed then.

Instead, the commenter suggested that if EPA decides not to finalize a rule to allow case-by-case extension decisions, then the Agency should only extend the deadline for existing certification plans as long as needed to review and approve a majority of certification plans. The commenter recommended that the extension issued by this rulemaking should be no longer than a year (*i.e.,* to no later than November 4, 2023). The shorter duration of the extension, they felt, would create a greater sense of urgency for certifying entities to complete their work to prepare acceptable plans.

The commenter's primary reason for limiting an extension to one year is to create a sense of urgency for completing the process and to allow EPA, only if necessary, to formulate and promulgate a second rule, which would take a more thoughtful and nuanced approach than the current rulemaking to granting additional extensions. The commenter suggested that if it appears that, at the end of any extension issued pursuant to this rulemaking, there are likely to be entities that still legitimately need additional time to complete the review and approval process, the commenter stated EPA could promulgate another rule granting additional extensions. But, rather than an automatic, across-the-

board extension for everyone, the commenter recommended that such additional rules should provide the Agency with discretion to grant an entity an additional extension only for as long as it appears reasonably necessary. Thus, the commenter recommended that additional extensions should be granted on a case-by-case basis to entities, understanding that the length of time may vary from entity to entity. The commenter felt that not only could the duration of these extensions be tailored to each certifying authority's situation; but also, the approval of an extension could require, while the review continues, the certifying authority to implement all accepted plan elements as quickly as possible (rather than wait for all outstanding issues to be resolved). Moreover, the commenter felt that such a rule could give EPA the option to reduce the FIFRA enforcement and FIFRA programmatic grants awarded to an entity until EPA approves the entity's plan.

b. EPA response. EPA appreciates the commenter's feedback and recommendations for additional options other than EPA's proposal of extending the deadline up to but not longer than two years, to November 2024. At the time the NPRM published, EPA did not have enough information to determine an appropriate length of time for an additional extension, and as a result, proposed up to but not longer than two years. EPA's intent for the proposal was primarily to solicit information on an appropriate extension length while signaling EPA's desire to not go beyond two years in any extension it would consider. Due to the progress that has been made by EPA in concluding its reviews and approving revised certification plans and the feedback provided in public comments, EPA agrees with the commenter that it is now unnecessary to extend the deadline up to November 2024, though the Agency has determined that an extension is still needed. As of July 8, 2022, EPA has approved 7 certification plans and estimates that approximately half of all certification plans will be approved prior to November 4, 2022 (see Ref. 2 for current status information). While considerable progress has been made in the approval process, EPA estimates that approximately 30 certification plans are the most at risk of not meeting the deadline of November 4, 2022. Considering all of the options presented in the recommendations to EPA and the substantial number of plan approvals that remain, the Agency has determined that the best approach moving forward is to extend the deadline one year to November 4, 2023.

EPA believes that based on the current status of plan approvals and feedback received from stakeholders, the best option for moving for is an additional one-year extension, rather than the alternative options suggested by the commenters, including conditional approvals, incentivization, or direct implementation. However, since EPA expects to complete its approvals for approximately half of the plans by November 2022, EPA agrees that the proposed maximum extension of two years is no longer necessary. Based on the pace that EPA has established in working with certifying authorities on final plan revisions and ultimately approving certification plans since the promulgation of the IFR extension date, EPA estimates that a certification plan approval can take approximately a year after the certifying authority has received EPA's feedback and revised their plan accordingly. The Agency is confident that it can approve all remaining plans before November 4, 2023. However, the Agency notes that if the additional one-year extension turns out not to be sufficient to approve all remaining plans, the Agency may, at a later date, consider additional rulemaking and other options like conditional approval of plans. EPA emphasizes its confidence that all plans will be approved by November 2023 and that the Agency is not considering alternative options at this time.

IV. New Deadline for Certification Plan Approvals

Based on the public comments and EPA's assessment of the certification plan approval process to date, EPA is extending the deadline provided in 40 CFR 171.5(c) for amended certification plans to be approved without interruption of the existing certification plans for one year, from November 4, 2022, to November 4, 2023. This additional time is necessary to assure that the remaining certifying authorities who received their plans late in the process have enough time to present approvable certification plans, and for EPA to continue working closely with those state, territory, and tribal agencies on necessary modifications, and ultimately approve their certification plans. EPA anticipates that the remaining certification plans pending approval will be completed within six to nine months after November 2022, but the Agency has opted to extend the deadline by one full year in the event that unforeseen circumstances or any internal legislative or administrative issues need additional time to be resolved. EPA has been and will continue to issue notices of certification plan approvals periodically to the public in batched notices in the **Federal Register** and on EPA's website (Ref. 2) as they are approved.

Since approximately half of the certification plans are anticipated to be approved by November 2022, the Agency does not expect at this time to propose or issue an additional blanket extension of this expiration deadline for existing plans beyond November 4, 2023. The extension in this final rule should provide the necessary time for all remaining certifying authorities to respond to EPA comments and for EPA to review and approve those changes. In the unlikely event that a certification plan is at risk of not meeting the new deadline, EPA does plan to further assess all potential options, including those presented in Unit III.B.3., to determine the best approach moving forward.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Pesticides; Certification of Pesticide Applicators; Extension to Expiration Date of Certification Plans; Interim Final Rule. **Federal Register**. 86 FR 71831, December 20, 2021 (FRL 9134–02–OCSPP).
2. EPA. ''Certification Standards of Pesticide Applicators.'' website provides latest status of Certified Applicator Plans. *https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators.*
3. EPA. Pesticides; Certification of Pesticide Applicators; Final Rule. **Federal Register**. 82 FR 952, January 4, 2017 (FRL–9956–70).
4. EPA. Economic Analysis of the Final Amendments to 40 CFR part 171: Certification of Pesticide Applicators [RIN 2070–AJ20]. December 6, 2016. Docket ID No. EPA–HQ–OPP–2011–0183–0807.
5. EPA. Pesticides; Certification of Pesticide Applicators; Further Extension to Expiration Date of Certification Plans; Proposed Rule. **Federal Register**. 87 FR 6821, February 7, 2022 (FRL–9134.1–01–OCSPP).
6. *Pineros y Campesinos Unidos del Noroeste, et al.,* v. *Pruitt, et al.,* Case No.

17–CV–03434 (N.D. Cal. filed June 4, 2017); 293 F. Supp. 3d 1062 (N.D. Cal. 2018).

VI. FIFRA Review Requirements

Under FIFRA section 25, EPA has submitted a draft of the final rule to the Secretary of the Department of Agriculture (USDA), the FIFRA Scientific Advisory Panel (SAP), and the appropriate Congressional Committees. Since there were no science issues warranting review, the FIFRA SAP waived review of the final rule on July 25, 2022. USDA completed its review without comment on August 5, 2022.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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 under Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection activities or burden subject to OMB review and approval under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). OMB has previously approved the information collection activities contained in the existing regulations and associated burden under OMB Control Numbers 2070–0029 (EPA ICR No. 0155) and 2070–0196 (EPA ICR No. 2499). An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

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, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern is any significant adverse economic impact on small entities, and the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities, because the rule relieves regulatory burden. The change to the expiration date in this rule will reduce potential impacts on all entities subject to the CPA regulations if their certifying authorities' plans were not approved in time, so there are no significant impacts to any small entities by issuing this rule. EPA has therefore concluded that this action will relieve regulatory burden for all directly regulated small 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 governments. The 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 as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not impose substantial direct compliance costs on tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) 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 Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards. As such, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

In accordance with Executive Order 12898 (59 FR 7629, February 16, 1994), EPA finds that this action will not result in disproportionately high and adverse human health, environmental, climate-related, or other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts during this administrative action to extend the expiration date. This extension will provide EPA and any remaining certifying authorities pending their plan approvals an opportunity to finalize the revised certification plans, ensuring that the increased protections identified in the 2017 CPA Rule are realized for all affected populations. EPA has been and will continue to work expeditiously with certification authorities to review and approve plans. This engagement will ensure the modified plans are appropriately protective of certified pesticide applicators and those under their direct supervision and will ensure that certified applicators are trained to prevent bystander and worker exposures.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR part 171

Environmental protection, Applicator competency, Agricultural worker safety, Certified applicator, Pesticide safety training, Pesticide worker safety,

Pesticides and pests, Restricted use pesticides.

Dated: August 12, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, for the reasons set forth in the preamble, EPA amends 40 CFR part 171 as follows:

PART 171—CERTIFICATION OF PESTICIDE APPLICATORS

■ 1. The authority citation for part 171 is amended to read as follows:

Authority: 7 U.S.C. 136–136y.

■ 2. Amend § 171.5 by revising paragraph (c) to read as follows:

§ 171.5 Effective date.

* * * * *

(c) *Extension of an existing plan during EPA review of proposed revisions.* If by March 4, 2020, a certifying authority has submitted to EPA a proposed modification of its certification plan pursuant to subpart D of this part, its certification plan approved by EPA before March 6, 2017 will remain in effect until EPA has approved or rejected the modified plan pursuant to § 171.309(a)(4) or November 4, 2023, whichever is earlier, except as provided in paragraph (d) of this section and § 171.309(b).

* * * * *

[FR Doc. 2022–17823 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2021–0057; FF09M30000–223–FXMB1231099BPP0]

RIN 1018–BF07

Migratory Bird Hunting; 2022–2023 Seasons for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the seasons, hours, areas, and daily bag and possession limits for hunting migratory birds. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2022–23 season.

DATES: This rule takes effect on August 19, 2022.

ADDRESSES: You may inspect comments received on the migratory bird hunting regulations at *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057. You may obtain copies of referenced reports from the Division of Migratory Bird Management's website at *https://www.fws.gov/migratorybirds/* or at *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358–2606.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2022

On August 31, 2021, we published in the **Federal Register** (86 FR 48649) a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20. The proposal provided a background and overview of the migratory bird hunting regulations process and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2022–23 regulatory cycle relating to open public meetings and **Federal Register** notifications were illustrated in the diagram at the end of the August 31, 2021, proposed rule. For this regulatory cycle, we combined the elements described in that diagram as ''Supplemental Proposals'' with the one described as ''Proposed Season Frameworks.''

We provided the meeting dates and locations for the Service Regulations Committee (SRC) (*https://www.fws.gov/event/us-fish-and-wildlife-service-migratory-bird-regulations-committee-meeting*) and Flyway Council meetings (*https://www.fws.gov/partner/migratory-bird-program-administrative-flyways*) on Flyway calendars posted on our website. On September 28–29, 2021, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2022–23 regulations for these species. The August 31, 2021, proposed rule provided detailed information on the proposed 2022–23 regulatory schedule and announced the September SRC meeting.

On February 2, 2022, we published in the **Federal Register** (87 FR 5946) the proposed frameworks for the 2022–23 season migratory bird hunting regulations. On July 15, 2022, we published in the **Federal Register** (87 FR 42598) the final frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected seasons, hours, areas, and limits for hunting migratory birds during the 2022–23 season.

The final rule described here is the final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for the 2022–23 season and deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for migratory game bird species. This final rule is the culmination of the annual rulemaking process allowing migratory game bird hunting, which started with the August 31, 2021, proposed rule. As discussed elsewhere in this document, we supplemented that proposal on February 2, 2022, and published final season frameworks on July 15, 2022, that provided the season selection criteria from which the States selected these seasons. This final rule sets the migratory game bird hunting seasons based on that input from the States. We previously addressed all comments in the July 15, 2022, **Federal Register** (87 FR 42598).

Required Determinations

National Environmental Policy Act (NEPA) Consideration

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA (42 U.S.C. 4321 *et seq.*) compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our record of decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2022–23,'' with its corresponding March 2022 finding of no significant impact. The programmatic document, as well as the separate environmental assessment, are available on our website at *https://www.fws.gov/birds/index.php* or at *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531

et seq.), provides that the Secretary shall insure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat. Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks (87 FR 42598, July 15, 2022) reflect any such modifications. The biological opinion is available from *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it will have an annual effect of $100 million or more on the economy.

E.O. 13563 reaffirms the principles of E.O. 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. E.O. 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 rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2022–23 season. This analysis was based on data from the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (National Survey), the most recent year for which data are available (see discussion under *Regulatory Flexibility Act,* below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2021–22 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations similar to the regulations in the 2021–22 season. For the 2022–23 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $329 million. We also chose alternative 3 for the 2009–10 through 2021–22 seasons. The 2022–23 analysis is part of the record for this rule and is available at *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities. This analysis is updated annually. The primary source of information about hunter expenditures for migratory game bird hunting is the National Survey, which is generally conducted at 5-year intervals. The 2022 analysis is based on the 2016 National Survey and the U.S. Department of Commerce's County Business Patterns, from which it is estimated that migratory bird hunters will spend approximately $2.2 billion at small businesses in 2022. The analysis is available from *https://www.regulations.gov* at Docket No. FWS–HQ–MB–2021–0057.

Small Business Regulatory Enforcement Fairness Act

This final rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes regulations for hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has previously approved the information collection requirements associated with migratory bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 02/29/2024).
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 04/30/2023). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.
- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 10/31/2024).

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with E.O. 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule will allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. While this rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no statement of energy effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects on Indian trust resources. We solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2022–23 migratory bird hunting season in the August 31, 2021, proposed rule (86 FR 48649). The resulting proposals were contained in a separate proposed rule published on June 14, 2022 (87 FR 35942). By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Review of Public Comments

The August 31, 2021, proposed rulemaking (86 FR 48649) opened the public comment period for 2022–23 migratory game bird hunting regulations. We previously addressed all comments in a July 15, 2022, **Federal Register** publication (87 FR 42598).

Regulations Promulgation

The rulemaking process for migratory game bird hunting, by its nature, operates under a time constraint as seasons must be established each year or hunting seasons remain closed. However, we intend that the public be provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act (5 U.S.C. subchapter II) requirements. Thus, when the preliminary proposed rulemaking was published, we established what we concluded were the longest periods possible for public comment and the most opportunities for public involvement. We also provided notification of our participation in multiple Flyway Council meetings, opportunities for additional public review and comment on all Flyway Council proposals for regulatory change, and opportunities for additional public review during the SRC meeting. Therefore, we conclude that sufficient public notice and opportunity for involvement have been given to affected persons.

Further, States need sufficient time to communicate these season selections to their affected publics, and to establish and publicize the necessary regulations and procedures to implement these seasons. Thus, we find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and, therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), these regulations will take effect less than 30 days after publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Signing Authority

On August 4, 2022, Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks, approved this action for publication. On August 12, 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.

Maureen D. Foster,

Chief of Staff, Office of the Assistant Secretary for Fish and Wildlife and Parks.

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K of the Code of Federal Regulations is amended as follows:

PART 20—MIGRATORY BIRD HUNTING

■ 1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703 et seq., and 16 U.S.C. 742a-j.

Note: The following annual hunting regulations provided for by §§ 20.101 through 20.107 and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

■ 2. Section 20.101 is revised to read as follows:

§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset.

CHECK COMMONWEALTH REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) *Puerto Rico.*

Restrictions: In Puerto Rico, the season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, purple gallinule, American coot, Caribbean coot, white-crowned pigeon, and plain pigeon.

Closed Areas: Closed areas are described in the July 15, 2022, **Federal Register** (87 FR 42598).

Species	Season dates	Limits	
		Bag	Possession
Doves and Pigeons:			
Zenaida, white-winged, and mourning doves (1) ..	Sept. 3–Oct. 31	30	90
Scaly-naped pigeons	Sept. 3–Oct. 31	5	15
Ducks	Nov. 12–Dec. 19 &	6	18
	Jan. 14–Jan. 30	6	18
Common Gallinules	Nov. 12–Dec. 19 &	6	18
	Jan. 14–Jan. 30	6	18
Wilson's Snipe	Nov. 12–Dec. 19 &	8	24
	Jan. 14–Jan. 30	8	24

(1) The daily bag limit for Zenaida, white-winged, and mourning doves is in the aggregate and may include not more than 10 Zenaida and 3 mourning doves. The possession limit is three times the daily bag limit.

(b) *Virgin Islands.*

Restrictions: In the Virgin Islands, the seasons are closed for ground or quail doves, pigeons, ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, and all other ducks, and purple gallinule.

Closed Areas: Ruth Cay, just south of St. Croix, is closed to the hunting of migratory game birds. All Offshore Cays under jurisdiction of the Virgin Islands Government are closed to the hunting of migratory game birds.

Species	Season dates	Limits	
		Bag	Possession
Zenaida doves	Sept. 1–Sept. 30	10	10
Ducks	Closed	.....	.....

■ 3. Section 20.102 is revised to read as follows:

§ 20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset. Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

Note: Light geese include lesser snow (including blue) geese, greater snow geese, and Ross's geese.

Falconry: The total combined bag and possession limit for migratory game birds taken with the use of a raptor under a falconry permit is 3 per day, 9 in possession, and may not exceed a more restrictive limit for any species listed in this subsection.

Special Tundra Swan Season: In Game Management Units (Units) 17, 18, 22, and 23, in the North Zone, the tundra swan season is from September 1 through October 31 with a season limit of 3 tundra swans per hunter. This season is by State permit only; hunters will be issued 1 permit allowing the take of up to 3 tundra swans. Hunters will be required to file a harvest report with the State after the season is completed. Up to 500 permits may be issued in Unit 18; 300 permits each in Units 22 and 23; and 200 permits in Unit 17.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Area	Season dates
North Zone	Sept. 1–Dec. 16.
Gulf Coast Zone	Sept. 1–Dec. 16.
Southeast Zone	Sept. 16–Dec. 31.
Pribilof and Aleutian Islands Zone	Oct. 8–Jan. 22.
Kodiak Zone	Oct. 8–Jan. 22.

Area	Daily bag and possession limits							
	Ducks (1)	Canada & cackling geese (2)(3)(4)	White-fronted geese (5)(6)	Light geese	Brant	Emperor geese (7)(8)	Snipe	Sandhill cranes (9)
North Zone	10–30	4–12	4–12	6–18	2–6	1–1	8–24	3–9
Gulf Coast Zone	8–24	4–12	4–12	6–18	2–6	1–1	8–24	2–6
Southeast Zone	7–21	4–12	4–12	6–18	2–6	1–1	8–24	2–6
Pribilof and Aleutian Islands Zone	7–21	4–12	4–12	6–18	2–6	1–1	8–24	2–6
Kodiak Zone	7–21	4–12	4–12	6–18	2–6	1–1	8–24	2–6

(1) The basic duck bag limits may include no more than 2 canvasbacks daily and may not include sea ducks. In addition to the basic duck limits, the sea duck limit is 10 daily, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common, hooded, and red-breasted mergansers. The season for Steller's and spectacled eiders is closed.

(2) Daily bag and possession limits are in the aggregate for the two species.

(3) In Game Management Units (Units) 5 and 6, in the Gulf Coast Zone, the taking of Canada and cackling geese is only permitted from September 28 through December 16. In the Middleton Island portion of Unit 6, the taking of Canada and cackling geese is by special permit only. The maximum number of Canada and cackling geese permits is 10 for the season. A mandatory goose-identification class is required. Hunters must check in and out. The daily bag and possession limits are 1 Canada or cackling goose. The season will close if harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

(4) In Unit 10, in the Pribilof and Aleutian Islands Zone, for Canada and cackling geese, the daily bag limit is 6 and the possession limit is 18 are in the aggregate.

(5) In Unit 9, in the Gulf Coast Zone, Unit 10, in the Pribilof and Aleutian Islands Zone, and Unit 17, in the North Zone, for white-fronted geese, the daily bag limit is 6 and the possession limit is 18.

(6) In Unit 18, in the North Zone, for white-fronted geese, the daily bag limit is 10 and the possession limit is 30.

(7) In Unit 8, in the Kodiak Zone, the Kodiak Island Roaded Area is closed to emperor goose hunting. The Kodiak Island Roaded Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull and Puffin Islands.

(8) Emperor goose hunting is by State permit only; no more than 1 emperor goose may be harvested per hunter per season. Hunters will be required to file a harvest report with the State after harvesting an emperor goose. Total emperor goose harvest may not exceed 500 birds. See State regulations for specific dates, times, and conditions of permit hunts and closures.

(9) In Unit 17, in the North Zone, for sandhill cranes, the daily bag limit is 2 and the possession limit is 6.

■ 4. Section 20.103 is revised to read as follows:

§ 20.103 Seasons, limits, and shooting hours for doves and pigeons.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) *Doves.*

Note: Unless otherwise specified, the seasons listed below are for mourning and white-winged doves. The daily bag and possession limits are in the aggregate for the two species.

Area	Season dates	Limits	
		Bag	Possession
EASTERN MANAGEMENT UNIT			
Alabama:			
North Zone:			
12 noon to sunset	Sept. 3 only	15	15
½ hour before sunrise to sunset	Sept. 4–Oct. 23 &	15	45
	Nov. 19–Nov. 27 &	15	45
	Dec. 17–Jan. 15	15	45
South Zone:			
12 noon to sunset	Sept. 10 only	15	15
½ hour before sunrise to sunset	Sept. 11–Oct. 30 &	15	45
	Nov. 19–Nov. 27 &	15	45
	Dec. 17–Jan. 15	15	45
Delaware	Sept. 1–Oct. 3 &	15	45
	Nov. 21–Jan. 31	15	45
Florida	Sept. 24–Oct. 16	15	45
	Nov. 12–Dec. 4 &	15	45
	Dec. 19–Jan. 31	15	45
Georgia	Sept. 3–Oct. 9 &	15	45
	Nov. 19–Nov. 27 &	15	45
	Dec. 19–Jan. 31	15	45
Illinois (1)	Sept. 1–Nov. 14 &	15	45
	Dec. 26–Jan. 9	15	45
Indiana	Sept. 1–Oct. 16 &	15	45
	Nov. 1–Nov. 27 &	15	45
	Dec. 17–Jan. 2	15	45
Kentucky:			
11 a.m. to sunset	Sept. 1 only	15	15
½ hour before sunrise to sunset	Sept. 2–Oct. 26 &	15	45
	Nov. 24–Dec. 4 &	15	45
	Dec. 24–Jan. 15	15	45
Louisiana:			
North Zone:			
½ hour before sunrise to sunset	Sept. 3–Sept. 25 &	15	45
	Oct. 8–Nov. 13 &	15	45
	Dec. 24–Jan. 22	15	45
South Zone:			
½ hour before sunrise to sunset	Sept. 3–Sept. 18 &	15	45
	Oct. 15–Nov. 27 &	15	45
	Dec. 17–Jan. 15	15	45
Maryland:			

Area	Season dates	Limits	
		Bag	Possession
12 noon to sunset	Sept. 1–Oct. 15	15	45
½ hour before sunrise to sunset	Oct. 22–Nov. 25 &	15	45
	Dec. 15–Jan. 7	15	45
Mississippi:			
North Zone	Sept. 3–Oct. 14 &	15	45
	Nov. 19–Nov. 27 &	15	45
	Dec. 24–Jan. 31	15	45
South Zone	Sept. 3–Sept. 18 &	15	45
	Oct. 8–Nov. 6 &	15	45
	Dec. 19–Jan. 31	15	45
North Carolina	Sept. 3–Oct. 1 &	15	45
	Nov. 5–Nov. 26 &	15	45
	Dec. 10–Jan. 31	15	45
Ohio:			
Sunrise to sunset	Sept. 1–Nov. 6 &	15	45
	Dec. 10–Jan. 1	15	45
Pennsylvania:			
½ hour before sunrise to sunset	Sept. 1–Nov. 25	15	45
	Dec. 21–Jan. 7	15	45
Rhode Island:			
12 noon to sunset	Sept. 10–Oct. 9	15	45
½ hour before sunrise to sunset	Oct. 15–Nov. 27 &	15	45
	Dec. 10–Dec. 25	15	45
South Carolina:			
12 noon to sunset	Sept. 3–Sept. 5	15	45
½ hour before sunrise to sunset	Sept. 6–Oct. 8 &	15	45
	Nov. 12–Nov. 26 &	15	45
	Dec. 24–Jan. 31	15	45
Tennessee:			
12 noon to sunset	Sept. 1 only	15	15
½ hour before sunrise to sunset	Sept. 2–Sept. 28 &	15	45
	Oct. 8–Oct. 30 &	15	45
	Dec. 8–Jan. 15	15	45
Virginia:			
12 noon to sunset	Sept. 3 only	15	15
½ hour before sunrise to sunset	Sept. 4–Oct. 23 &	15	45
	Nov. 19–Nov. 27 &	15	45
	Dec. 23–Jan. 21	15	45
West Virginia:			
12 noon to sunset	Sept. 1 only	15	15
½ hour before sunrise to sunset	Sept. 2–Oct. 9 &	15	45
	Oct. 31–Nov. 13 &	15	45
	Dec. 19–Jan. 24	15	45
Wisconsin	Sept. 1–Nov. 29	15	45
	CENTRAL MANAGEMENT UNIT		
Arkansas	Sept. 3–Oct. 23 &	15	45
	Dec. 8–Jan. 15	15	45
Colorado	Sept. 1–Nov. 29	15	45
Iowa	Sept. 1–Nov. 29	15	45
Kansas	Sept. 1–Nov. 29	15	45
Minnesota	Sept. 1–Nov. 29	15	45
Missouri	Sept. 1–Nov. 29	15	45
Montana	Sept. 1–Oct. 30	15	45
Nebraska	Sept. 1–Oct. 30	15	45
New Mexico:			
North Zone	Sept. 1–Nov. 29	15	45
South Zone	Sept. 1–Oct. 28 &	15	45
	Dec. 1–Jan. 1	15	45
North Dakota	Sept. 1–Nov. 29	15	45
Oklahoma	Sept. 1–Oct. 31 &	15	45
	Dec. 1–Dec. 29	15	45
South Dakota	Sept. 1–Nov. 9	15	45
Texas (2):			
North Zone	Sept. 1–Nov. 13 &	15	45
	Dec. 17–Jan. 1	15	45
Central Zone	Sept. 1–Oct. 30 &	15	45
	Dec. 17–Jan. 15	15	45
South Zone	Sept. 14–Oct. 30 &	15	45
	Dec. 17–Jan. 22	15	45
Special Season	Sept. 2–Sept. 4 &	15	45

Area	Season dates	Limits	
		Bag	Possession
12 noon to sunset	Sept. 9–Sept. 11	15	45
Wyoming	Sept. 1–Nov. 29	15	45
WESTERN MANAGEMENT UNIT			
Arizona (3)	Sept. 1–Sept. 15 &	15	45
	Nov. 18–Jan. 1	15	45
California (4)	Sept. 1–Sept. 15 &	15	45
	Nov. 12–Dec. 26	15	45
Idaho	Sept. 1–Oct. 30	15	45
Nevada	Sept. 1–Oct. 30	15	45
Oregon:			
Zone 1	Sept. 1–Sept. 30 &	15	45
	Nov. 15–Dec. 14	15	45
Zone 2	Sept. 1–Oct. 30	15	45
Utah	Sept. 1–Oct. 30	15	45
Washington	Sept. 1–Oct. 30	15	45
OTHER POPULATIONS			
Hawaii (5)	Nov. 5–Jan. 15	10	30

(1) In *Illinois,* shooting hours are sunrise to sunset.

(2) In *Texas,* the daily bag limit is 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves with a maximum 90-day season. Possession limits are three times the daily bag limit. During the special season in the Special White-winged Dove Area of the South Zone, the daily bag limit is 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves. Possession limits are three times the daily bag limit. Shooting hours in the Special White-winged Dove area are from noon to sunset.

(3) In *Arizona,* during September 1 through 15, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 may be white-winged doves. During November 18 through January 1, the daily bag limit is 15 mourning doves.

(4) In *California,* the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 may be white-winged doves.

(5) In *Hawaii,* the season is open only on the islands of Hawaii and Maui. On the island of Hawaii, the daily bag limit is 10 mourning doves, spotted doves, and chestnut-bellied sandgrouse in the aggregate. On the island of Maui, the daily bag limit is 10 mourning doves. Shooting hours are from one-half hour before sunrise through one-half hour after sunset. See State regulations for additional restrictions on hunting dates and areas.

(b) *Band-tailed Pigeons.*

Area	Season dates	Limits	
		Bag	Possession
Arizona	Sept. 30–Oct. 13	2	6
California:			
North Zone	Sept. 17–Sept. 25	2	6
South Zone	Dec. 17–Dec. 25	2	6
Colorado (1)	Sept. 1–Sept. 14	2	6
New Mexico (1):			
North Zone	Sept. 1–Sept. 14	2	6
South Zone	Oct. 1–Oct. 14	2	6
Oregon	Sept. 15–Sept. 23	2	6
Utah (1)	Sept. 1–Sept. 14	2	6
Washington	Sept. 17–Sept. 25	2	6

(1) Each band-tailed pigeon hunter must have a band-tailed pigeon hunting permit issued by the State.

■ 5. Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

Note: Unless otherwise specified, the daily bag and possession limits for sora and Virginia rails are in the aggregate, and the daily bag and possession limits for clapper and king rails are in the aggregate.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Area	Sora and Virginia rails	Clapper and king rails	Woodcock	Snipe
Daily bag limit Possession limit	25 75	15 45	3 9	8 24
ATLANTIC FLYWAY				
Connecticut (1)	Sept. 5–Oct. 15 & Oct. 22–Nov. 30	Sept. 5–Oct. 15 & Oct. 22–Nov. 30	Oct. 19–Nov. 19 & Nov. 22–Dec. 10..	Sept. 1–Dec. 31.
Delaware (2)	Sept. 3–Nov. 23	Sept. 3–Nov. 23	Nov. 21–Nov. 26 & Dec. 2–Jan. 16.	Sept. 9–Nov. 26 & Dec. 2–Jan. 16..
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 18–Jan. 31	Nov. 1–Feb. 15.
Georgia	Oct. 8–Oct. 28 & Nov. 8–Dec. 26.	Oct. 8–Oct. 28 & Nov. 8–Dec. 26.	Dec. 10–Jan. 23.	
Maine (3)	Sept. 1–Nov. 21	Closed	Sept. 24–Nov. 15	Sept. 1–Jan. 3.
Maryland (1)	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Oct. 19–Nov. 25 & Jan. 9–Jan. 21.	Sept. 29–Jan. 31.
Massachusetts (4)	Sept. 1–Nov. 7	Closed	Oct. 1–Nov. 22	Sept. 1–Dec. 16.
New Hampshire	Closed	Closed	Oct. 1–Nov. 14	Sept. 15–Nov. 14.
New Jersey (2)(5):				
North Zone	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Oct. 15–Oct. 29 & Nov. 1–Nov. 26.	Sept. 10–Jan. 12.
South Zone	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Nov. 12–Dec. 3 & Dec. 15–Jan. 3.	Sept. 10–Jan. 12.
New York (6)	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 14	Sept. 1–Nov. 9.
North Carolina	Sept. 3–Nov. 23	Sept. 3–Nov. 23	Dec. 10–Jan. 31	Oct. 27–Feb. 28.
Pennsylvania (7)	Sept. 1–Nov. 21	Closed	Oct. 15–Nov. 25 & Dec. 12–Dec. 21.	Oct. 15–Nov. 25 & Dec. 12–Dec. 21.
Rhode Island (8)	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 15–Nov. 28	Sept. 1–Nov. 9.
South Carolina	Sept. 9–Sept. 14 & Oct. 7–Dec. 9.	Sept. 9–Sept. 14 & Oct. 7–Dec. 9.	Dec. 18–Jan. 31	Nov. 14–Feb. 28.
Vermont	Closed	Closed	Sept. 24–Nov. 7	Sept. 24–Nov. 7.
Virginia (9)	Sept. 9–Nov. 17	Sept. 9–Nov. 17	Nov. 11–Dec. 3 & Dec. 27–Jan. 17.	Sept. 26–Nov. 27 & Dec. 17–Jan. 29.
West Virginia (10)	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 19 & Nov. 28–Dec. 6.	Sept. 1–Dec. 16..
MISSISSIPPI FLYWAY				
Alabama (11)	Sept. 10–Sept. 25 & Nov. 26–Jan. 18.	Sept. 10–Sept. 25 & Nov. 26–Jan. 18.	Dec. 16–Jan. 29	Nov. 12–Feb. 26.
Arkansas	Sept. 10–Nov. 18	Closed	Nov. 5–Dec. 19	Nov. 1–Feb. 15.
Illinois (12)	Sept. 10–Nov. 18	Closed	Oct. 15–Nov. 28	Sept. 10–Dec. 25.
Indiana (13)	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 28	Sept. 1–Dec. 16.
Iowa (14)	Sept. 3–Nov. 11	Closed	Oct. 1–Nov. 14	Sept. 3–Nov. 30.
Kentucky	Sept. 1–Nov. 9	Closed	Oct. 22–Nov. 11 & Nov. 14–Dec. 7.	Sept. 21–Oct. 30 & Nov. 24–Jan. 29.
Louisiana	Sept. 10–Sept. 25 & Nov. 12–Jan. 4.	Sept. 10–Sept. 25 & Nov. 12–Jan. 4.	Dec. 18–Jan. 31	Nov. 2–Dec. 4 & Dec. 17–Feb. 28.
Michigan	Sept. 1–Nov. 9	Closed	Sept. 15–Oct. 29	Sept. 1–Nov. 9.
Minnesota	Sept. 1–Nov. 7	Closed	Sept. 24–Nov. 7	Sept. 1–Nov. 7.
Mississippi	Sept. 1–Oct. 2 & Nov. 25–Jan. 1.	Sept. 1–Oct. 2 & Nov. 25–Jan. 1.	Dec. 18–Jan. 31	Nov. 14–Feb. 28.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 28	Sept. 1–Dec. 16.
Ohio	Sept. 1–Nov. 9	Closed	Oct. 8–Nov. 21	Sept. 1–Nov. 23 & Dec. 10–Jan. 1.
Tennessee	Sept. 1–Nov. 9	Closed	Nov. 12–Dec. 4 & Jan. 10–Jan. 31..	Nov. 14–Feb. 28
Wisconsin	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 7	Sept. 1–Nov. 9.
CENTRAL FLYWAY				
Colorado	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
Kansas	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 28	Sept. 1–Dec. 16.
Montana	Closed	Closed	Closed	Sept. 1–Dec. 16.
Nebraska (10)	Sept. 1–Nov. 9	Closed	Oct. 8–Nov. 14	Sept. 1–Dec. 16.
New Mexico (15)	Sept. 10–Nov. 18	Closed	Closed	Oct. 8–Jan. 22.
North Dakota	Closed	Closed	Sept. 24–Nov. 7	Sept. 10–Dec. 4.
Oklahoma	Sept. 1–Nov. 9	Closed	Oct. 30–Dec. 13	Oct. 1–Jan. 15.
South Dakota (16)	Closed	Closed	Closed	Sept. 1–Oct. 31.
Texas	Sept. 10–Sept. 25 & Nov. 5–Dec. 28.	Sept. 10–Sept. 25 & Nov. 5–Dec. 28.	Dec. 18–Jan. 31	Nov. 5–Feb. 19.
Wyoming	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
PACIFIC FLYWAY				
Arizona:				

Area	Sora and Virginia rails	Clapper and king rails	Woodcock	Snipe
Daily bag limit Possession limit	25 75	15 45	3 9	8 24
North Zone	Closed	Closed	Closed	Oct. 7–Jan. 15.
South Zone	Closed	Closed	Closed	Oct. 23–Jan. 31.
California	Closed	Closed	Closed	Oct. 15–Jan. 29.
Colorado	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
Idaho:				
Zone 1	Closed	Closed	Closed	Oct. 1–Jan. 13.
Zone 2	Closed	Closed	Closed	Oct. 1–Jan. 13.
Zone 3	Closed	Closed	Closed	Oct. 19–Jan. 31.
Zone 4	Closed	Closed	Closed	Oct. 1–Jan. 13.
Montana	Closed	Closed	Closed	Sept. 1–Dec. 16.
Nevada:				
Northeast Zone	Closed	Closed	Closed	Sept. 24–Nov. 29 & Dec. 10–Jan. 16.
Northwest Zone	Closed	Closed	Closed	Oct. 15–Jan. 8 & Jan. 11–Jan. 29.
South Zone (17)	Closed	Closed	Closed	Oct. 15–Oct. 23 & Oct. 26–Jan. 29.
New Mexico	Sept. 10–Nov. 18	Closed	Closed	Oct. 17–Jan. 31.
Oregon:				
Zone 1	Closed	Closed	Closed	Nov. 5–Feb. 19.
Zone 2	Closed	Closed	Closed	Oct. 8–Jan. 22.
Utah:				
Northern Zone	Closed	Closed	Closed	Oct. 1–Jan. 14.
Southern Zone	Closed	Closed	Closed	Oct. 15–Jan. 28.
Washington:				
East Zone	Closed	Closed	Closed	Oct. 15–Oct. 23 & Oct. 26–Jan. 29.
West Zone	Closed	Closed	Closed	Oct. 15–Oct. 23 & Oct. 26–Jan. 29.
Wyoming	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.

(1) In *Connecticut* and *Maryland,* the daily bag limit for clapper and king rails is 10 and may include no more than 1 king rail. The possession limit is three times the daily bag limit.
(2) In *Delaware* and *New Jersey,* the limits for clapper and king rails are 10 daily and 30 in possession.
(3) In *Maine,* the daily bag and possession limit for sora and Virginia rails is 25.
(4) In *Massachusetts,* the limits for sora are 5 daily and 15 in possession; the limits for Virginia rails are 10 daily and 30 in possession.
(5) In *New Jersey,* the season for king rail is closed by State regulation.
(6) In *New York,* the limits for sora and Virginia rails are 8 daily and 24 in possession. Seasons for sora and Virginia rails and snipe are closed on Long Island.
(7) In *Pennsylvania,* the limits for sora and Virginia rails are 3 daily and 9 in possession.
(8) In *Rhode Island,* the limits for sora and Virginia rails are 3 daily and 9 in possession, the limits for clapper and king rails are 1 daily and 3 in possession, and the limits for snipe are 5 daily and 15 in possession.
(9) In *Virginia,* the limit for king rail is 1 daily and 3 in possession.
(10) In *West Virginia and Nebraska,* the limits for sora and Virginia rails are 10 daily and 30 in possession.
(11) In *Alabama,* the limits for sora and Virginia rails are 15 daily and 45 in possession.
(12) In *Illinois,* shooting hours are from sunrise to sunset.
(13) In *Indiana,* the season on Virginia rails is closed.
(14) In *Iowa,* the limits for sora and Virginia rails are 12 daily and 36 in possession.
(15) In *New Mexico,* in the Central Flyway portion of the State, the limits for sora and Virginia rails are 10 daily and 20 in possession.
(16) In *South Dakota,* the snipe limits are 5 daily and 15 in possession.
(17) In *Nevada,* the snipe season in that portion of the South Zone including the Moapa Valley to the confluence of the Muddy and Virgin rivers is only open October 29 through January 29.

■ 6. Section 20.105 is revised to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) *Gallinules.*

Area	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Delaware	Sept. 3–Nov. 23	15	45
Florida (1)	Sept. 1–Nov.9	15	45
Georgia	Nov. 19–Nov. 27 &	15	45
	Dec. 10–Jan. 29	15	45

Area	Season dates	Limits	
		Bag	Possession
New Jersey	Sept. 1–Nov. 21	1	3
New York:			
Long Island	Closed		
Remainder of State	Sept. 1–Nov. 9	8	24
North Carolina	Sept. 3–Nov. 23	15	45
Pennsylvania	Sept. 1–Nov. 21	3	9
South Carolina	Sept. 9–Sept. 14 &	15	45
	Oct. 7–Dec. 9	15	45
Virginia	Sept. 9–Nov. 17	15	45
West Virginia	Oct. 1–Oct. 14 &	15	45
	Dec. 7–Jan. 31	15	45
MISSISSIPPI FLYWAY			
Alabama	Sept. 10–Sept. 25 &	15	45
	Nov. 26–Jan. 18	15	45
Arkansas	Sept. 1–Nov. 9	15	45
Kentucky	Sept. 1–Nov. 9	3	9
Louisiana	Sept. 10–Sept. 25 &	15	45
	Nov. 12–Jan. 4	15	45
Michigan	Sept. 1–Nov. 9	1	3
Minnesota (2):			
North Zone	Sept. 24–Nov. 22	15	45
Central Zone	Sept. 24–Oct. 2 &	15	45
	Oct. 8–Nov. 27	15	45
South Zone	Sept. 24–Oct. 2 &	15	45
	Oct. 8–Nov. 27	15	45
Mississippi	Sept. 1–Oct. 2 &	15	45
	Nov. 25–Jan. 1	15	45
Ohio	Sept. 1–Nov. 9	15	45
Tennessee	Sept. 1–Nov. 9	15	45
Wisconsin	Sept. 1–Nov. 9	8	24
CENTRAL FLYWAY			
New Mexico:			
Zone 1	Sept. 10–Nov. 18	1	3
Zone 2	Sept. 10–Nov. 18	1	3
Oklahoma	Sept. 1–Nov. 9	15	45
Texas	Sept. 10–Sept. 25 &	15	45
	Nov. 5–Dec. 28	15	45
PACIFIC FLYWAY			
All States	Seasons are in the aggregate with coots and listed in paragraph (e).		

(1) The season applies to common gallinules only.
(2) In *Minnesota,* the daily bag limit is 15 and the possession limit is 45 coots and gallinules in the aggregate.

(b) *Early (September) Duck Seasons.* **Note:** Unless otherwise specified, the seasons listed below are for teal only.

Area	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Delaware (1)	Sept. 10–Sept. 28	6	18
Florida (2)	Sept. 17–Sept. 25	6	18
Georgia	Sept. 10–Sept. 25	6	18
Maryland (1)	Sept. 16–Sept. 30	6	18
North Carolina (1)	Sept. 13–Sept. 30	6	18
South Carolina (3)	Sept. 9–Sept. 24	6	18
Virginia (1):			
Area East of Interstate 95	Sept. 17–Sept. 30	6	18
Area West of Interstate 95	Sept. 21–Sept. 30	6	18
MISSISSIPPI FLYWAY			
Alabama	Sept. 10–Sept. 25	6	18
Arkansas (3)	Sept. 15–Sept. 30	6	18

Area	Season dates	Limits	
		Bag	Possession
Illinois (3)	Sept. 10–Sept. 25	6	18
Indiana (3)	Sept. 10–Sept. 25	6	18
Iowa (3)	Sept. 1–Sept. 16	6	18
Kentucky (2)	Sept. 17–Sept. 25	6	18
Louisiana	Sept. 10–Sept. 25	6	18
Michigan	Sept. 1–Sept. 16	6	18
Minnesota (3)	Sept. 3–Sept. 7	6	18
Mississippi	Sept. 10–Sept. 25	6	18
Missouri (3)	Sept. 10–Sept. 25	6	18
Ohio (3)	Sept. 3–Sept. 18	6	18
Tennessee (2)	Sept. 10–Sept. 18	6	18
Wisconsin	Sept. 1–Sept. 9	6	18
CENTRAL FLYWAY			
Colorado (1)	Sept. 10–Sept. 18	6	18
Kansas (1):			
Low Plains	Sept. 10–Sept. 25	6	18
High Plains	Sept. 17–Sept. 25	6	18
Nebraska (1):			
Low Plains	Sept. 3–Sept. 18	6	18
High Plains	Sept. 3–Sept. 11	6	18
New Mexico	Sept. 10–Sept. 18	6	18
Oklahoma	Sept. 10–Sept. 25	6	18
Texas:			
High Plains	Sept. 10–Sept. 25	6	18
Rest of State	Sept. 10–Sept. 25	6	18

(1) Area restrictions. See State regulations.
(2) In *Florida, Kentucky,* and *Tennessee,* the daily bag limit for the first 5 days of the season is 6 wood ducks and teal in the aggregate, of which no more than 2 may be wood ducks. During the last 4 days of the season, the daily bag limit is 6 teal only. The possession limit is three times the daily bag limit.
(3) Shooting hours are from sunrise to sunset.

(c) *Special Early Canada and Cackling Geese Seasons.*

Note: Unless otherwise specified, the daily bag and possession limits for Canada and cackling geese are in the aggregate.

Area	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Connecticut (1):			
North Zone	Sept. 1–Sept. 30	15	45
South Zone	Sept. 15–Sept. 30	15	45
Delaware	Sept. 1–Sept. 24	15	45
Florida	Sept. 3–Sept. 25	5	15
Georgia	Sept. 3–Sept. 25	5	15
Maine:			
Northern Zone	Sept. 1–Sept. 24	6	18
Southern Zone	Sept. 1–Sept. 24	10	30
Coastal Zone	Sept. 1–Sept. 24	10	30
Maryland (1)(2):			
Eastern Unit	Sept. 1–Sept. 15	8	24
Western Unit	Sept. 1–Sept. 24	8	24
Massachusetts:			
Central Zone	Sept. 2–Sept. 24	15	45
Coastal Zone	Sept. 2–Sept. 24	15	45
Western Zone	Sept. 2–Sept. 24	15	45
New Hampshire	Sept. 1–Sept. 25	5	15
New Jersey (1)(2)(3)	Sept. 1–Sept. 30	15	45
New York (4):			
Lake Champlain Zone	Sept. 1–Sept. 25	8	24
Northeastern Zone	Sept. 1–Sept. 25	15	45
East Central Zone	Sept. 1–Sept. 25	15	45
Hudson Valley Zone	Sept. 1–Sept. 25	15	45
West Central Zone	Sept. 1–Sept. 25	15	45
South Zone	Sept. 1–Sept. 25	15	45
Western Long Island Zone	Closed		
Central Long Island Zone	Sept. 6–Sept. 30	15	45

Area	Season dates	Limits	
		Bag	Possession
Eastern Long Island Zone	Sept. 6–Sept. 30	15	45
North Carolina (5)(6)	Sept. 1–Sept. 30	15	45
Pennsylvania (7)(8)(9):	Sept. 1–Sept. 24	8	24
Rhode Island (1)	Sept. 1–Sept. 30	15	45
South Carolina	Sept. 1–Sept. 30	15	45
Vermont:			
Lake Champlain Zone	Sept. 1–Sept. 25	8	24
Interior Vermont Zone	Sept. 1–Sept. 25	8	24
Connecticut River Zone (10)	Sept. 1–Sept. 25	5	15
Virginia (11)	Sept. 1–Sept. 25	10	30
West Virginia	Sept. 1–Sept. 11	5	15
CENTRAL FLYWAY			
North Dakota:			
Missouri River Zone	Sept. 1–Sept. 7	15	45
Western ND Canada, and Cackling Goose Zone	Sept. 1–Sept. 15	15	45
Remainder of State	Sept. 1–Sept. 22	15	45
Oklahoma	Sept. 10–Sept. 19	8	24
South Dakota (12)	Sept. 1–Sept. 30	15	45
Texas:			
East Goose Zone (12)	Sept. 10–Sept. 25	5	15
PACIFIC FLYWAY			
Colorado	Sept. 1–Sept. 9	5	15
Idaho:			
Zone 4	Sept. 1–Sept. 15	5	15
Oregon:			
Northwest Permit Zone	Sept. 10–Sept. 18	5	15
Southwest Zone	Sept. 10–Sept. 14	5	15
Eastern Zone	Sept. 10–Sept. 14	5	15
Mid-Columbia Zone	Sept. 10–Sept. 14	5	15
Washington:			
Area 1	Sept. 3–Sept. 8	5	15
Area 2 Inland	Sept. 3–Sept. 11	5	15
Area 2 Coast (13)	Sept. 3–Sept. 11	5	15
Area 3	Sept. 3–Sept. 8	5	15
Area 4	Sept. 3–Sept. 4	5	10
Area 5	Sept. 3–Sept. 4	5	10
Wyoming:			
Teton County Zone	Sept. 1–Sept. 8	5	15
Balance of State Zone	Sept. 1–Sept. 8	5	15

(1) Shooting hours are one-half hour before sunrise to one-half hour after sunset.
(2) The use of shotguns capable of holding more than 3 shotshells is allowed.
(3) The use of electronic calls is allowed.
(4) In *New York,* shooting hours are one-half hour before sunrise to one-half hour after sunset, the use of shotguns capable of holding more than 3 shotshells is allowed, and the use of electronic calls is allowed, except during Youth Waterfowl Hunting Days in Lake Champlain, Northeastern, and Southeastern Goose Hunting Areas. During the designated Youth Waterfowl Hunting Days in these areas, shooting hours are one-half hour before sunrise to sunset, shotguns must be capable of holding no more than 3 shotshells, and electronic calls are not allowed. See State regulations for further details.
(5) In *North Carolina,* the use of unplugged guns and electronic calls is allowed in that area west of U.S. Highway 17 only.
(6) In *North Carolina,* shooting hours are one-half hour before sunrise to one-half hour after sunset in that area west of U.S. Highway 17 only.
(7) In *Pennsylvania,* shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 23. On September 24, shooting hours are one-half hour before sunrise to sunset.
(8) In *Pennsylvania,* the area south of State Route (SR) 198 from the Ohio State line to intersection of I–79, west of I–79 to SR 358, north of SR 358 to the Ohio State line: The season dates are Sept. 1–Sept. 10. The daily limit is 1 Canada goose with a possession limit of 3 geese. The season is closed on State Game Lands 214. Note: this restriction does not apply to youth participation on youth waterfowl hunting days when regular season regulations apply.
(9) In *Pennsylvania,* in the area of Lancaster and Lebanon Counties north of the Pennsylvania Turnpike I–76, east of SR 501 to SR 419, south of SR 419 to the Lebanon-Berks County line, west of the Lebanon-Berks County line and the Lancaster-Berks County line to SR 1053, west of SR 1053 to the Pennsylvania Turnpike I–76, the daily bag limit is 1 goose with a possession limit of 3 geese. On State Game Lands No. 46 (Middle Creek Wildlife Management Area), the season is closed. However, during youth waterfowl hunting days, regular season regulations apply.
(10) In *Vermont,* the season in the Connecticut River Zone is the same as the New Hampshire Inland Zone season, set by New Hampshire.
(11) In *Virginia,* shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 16 in the area east of I–95. Shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 20 in the area west of I–95.
(12) See State regulations for additional information and restrictions.
(13) In *Washington,* in Pacific County, the daily bag and possession limits are 15 and 45 Canada and cackling geese in the aggregate, respectively.

(d) *Waterfowl, Coots, and Pacific-Flyway Seasons for Gallinules.*

Definitions

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross's geese.

Dark Geese: Includes Canada geese, cackling geese, white-fronted geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Note: Unless otherwise specified, the daily bag and possession limits for Canada and cackling geese are in the aggregate.

Atlantic Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 2 mallards (1 female mallard), 1 scaup (except as footnoted below), 2 black ducks, 1 pintail, 1 mottled duck, 1 fulvous whistling-duck, 3 wood ducks, 2 redheads, 2 canvasbacks, 4 sea ducks (including no more than 3 scoters, 3 long-tailed ducks, and 3 eiders [and no more than 1 may be a hen eider]). The possession limit is three times the daily bag limit.

Note: Notwithstanding the provisions of this part, the shooting of crippled waterfowl from a motorboat under power will be permitted in *Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina,* and *Virginia* in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit is 5 mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit. The possession limit is three times the daily bag limit.

Area	Season dates	Limits	
		Bag	Possession
Connecticut:			
Ducks and Mergansers (1):			
North Zone	Oct. 8–Oct. 15 &	6	18
	Nov. 11–Jan. 11	6	18
South Zone	Oct. 8–Oct. 12 &	6	18
	Nov. 18–Jan. 21	6	18
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
Atlantic Flyway Resident Population (AFRP) Unit.	Oct. 8–Oct. 15 &	5	15
	Nov. 11–Dec. 7 &	5	15
	Dec. 21–Feb. 15	5	15
North Atlantic Population (NAP) High Unit	Oct. 8–Oct. 15 &	2	6
	Nov. 11–Jan. 11	2	6
Late Season	Jan. 16–Feb. 15	5	15
Atlantic Population (AP) Unit	Oct. 10–Oct. 15 &	1	3
	Nov. 11–Dec. 8	1	3
Special Season	Dec. 21–Feb. 15	5	15
Light Geese:			
	Oct. 1–Jan. 14 &	25	
	Feb. 21–Mar. 10	25	
Brant:			
North Zone	Nov. 15–Jan. 11	2	6
South Zone	Nov. 25–Jan. 21	2	6
Delaware:			
Ducks	Oct. 21–Oct. 29 &	6	18
	Nov. 21–Nov. 26 &	6	18
	Dec. 9–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2)	Nov. 23–Nov. 26 &	1	3
	Dec. 24–Jan. 23	1	3
Light Geese (3)	Oct. 1–Jan. 31 &	25	
	Feb. 4 only	25	
Brant	Nov. 21–Nov. 26 &	2	6
	Dec. 12–Jan. 31	2	6
Florida:			
Ducks (4)	Nov. 19–Nov. 27 &	6	18
	Dec. 10–Jan. 29	6	18

Area	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese	Nov. 19–Nov. 27	5	15
	Dec. 1–Jan. 30	5	15
Light Geese	Same as for Ducks	15	
Georgia:			
Ducks	Nov. 19–Nov. 27 &	6	18
	Dec. 10–Jan. 29	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2)	Oct. 8–Oct. 23 &	5	15
	Nov. 19–Nov. 27 &	5	15
	Dec. 10–Jan. 29	5	15
Light Geese	Same as for Canada, Cackling, and White-fronted Geese.	5	15
Brant	Closed		
Maine:			
Ducks (5):			
North Zone	Sept. 26–Dec. 3	6	18
South Zone	Oct. 1–Oct. 15 &	6	18
	Nov. 1–Dec. 24	6	18
Coastal Zone	Oct. 1–Oct. 8 &	6	18
	Nov. 8–Jan. 7	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	5	15
Canada, Cackling, and White-fronted Geese (2):			
North Zone	Oct. 1–Dec. 9	2	6
South Zone	Oct. 1–Oct. 15 &	2	6
	Nov. 1–Dec. 24	2	6
Coastal Zone	Oct. 1–Oct. 8 &	3	9
	Oct. 27–Jan. 7	3	9
Light Geese	Oct. 1–Jan. 31	25	25
Brant:			
North Zone	Sept. 26–Nov. 22	2	6
South Zone	Oct. 1–Oct. 15 &	2	6
	Nov. 1–Dec. 13	2	6
Coastal Zone	Oct. 1–Oct. 8 &	2	6
	Nov. 19–Jan. 7	2	6
Maryland:			
Ducks and Mergansers (6)(7)	Oct. 15–Oct. 22 &	6	18
	Nov. 12–Nov. 25 &	6	18
	Dec. 15–Jan. 31	6	18
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
Resident Population (RP) Zone	Nov. 19–Nov. 25 &	5	15
	Dec. 12–Mar. 7	5	15
AP Zone	Dec. 17–Jan. 2 &	1	3
	Jan. 13–Jan. 31	1	3
Light Geese	Oct. 1–Nov. 25 &	25	
	Dec. 12–Jan. 31 &	25	
	Feb. 4 only	25	
Brant	Nov. 16–Nov. 25 &	2	6
	Dec. 15–Jan. 31	2	6
Massachusetts:			
Ducks (8)(9):			
Western Zone	Oct. 10–Nov. 26 &	6	18
	Dec. 19–Jan. 7	6	18
Central Zone	Oct. 10–Nov. 26 &	6	18
	Dec. 27–Jan. 16	6	18
Coastal Zone	Oct. 15–Oct. 22 &	6	18
	Dec. 1–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
NAP Zone:			
Central Zone	Oct. 10–Nov. 26 &	2	6
	Dec. 27–Jan. 16	2	6
Late Season	Jan. 18–Feb. 15	5	15
Coastal Zone	Oct. 15–Oct. 22 &	2	6
	Dec. 1–Jan. 31	2	6
Late Season (10)	Feb. 1–Feb. 15	5	15
Western Zone	Oct. 10–Nov. 12	1	3

Area	Season dates	Limits	
		Bag	Possession
Late Season	Dec. 15–Feb. 15	5	15
Light Geese:			
Western Zone	Oct. 10–Nov. 26 &	15	45
	Dec. 19–Jan. 7	15	45
Central Zone	Oct. 10–Nov. 26 &	15	45
	Dec. 27–Jan. 16 &	15	45
	Jan. 18–Feb. 15	15	45
Coastal Zone (10)	Oct. 15–Oct. 22 &	15	45
	Dec. 1–Jan. 31 &	15	45
	Feb. 1–Feb. 15	15	45
Brant:			
Western and Central Zones	Closed	.....	.....
Coastal Zone	Dec. 1–Jan. 27	2	6
New Hampshire:			
Ducks:			
Northern Zone	Oct. 2–Nov. 30	6	18
Inland Zone	Oct. 4–Nov. 6 &	6	18
	Nov. 23–Dec. 18	6	18
Coastal Zone	Oct. 5–Oct. 11 &	6	18
	Nov. 23–Jan. 14	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
Northern Zone	Oct. 2–Nov. 30	2	6
Inland Zone	Oct. 4–Nov. 6 &	2	6
	Nov. 23–Dec. 18	2	6
Coastal Zone	Oct. 5–Oct. 11 &	2	6
	Nov. 23–Jan. 14	2	6
Light Geese:			
Northern Zone	Oct. 2–Nov. 30	25	.....
Inland Zone	Oct. 4–Dec. 18	25	.....
Coastal Zone	Oct. 5–Jan. 14	25	.....
Brant:			
Northern Zone	Oct. 2–Nov. 20	2	6
Inland Zone	Oct. 4–Nov. 6 &	2	6
	Nov. 23–Dec. 8	2	6
Coastal Zone	Oct. 5–Oct. 11 &	2	6
	Nov. 23–Jan. 4	2	6
New Jersey:			
Ducks (11):			
North Zone	Oct. 15–Oct. 22 &	6	18
	Nov. 12–Jan. 12	6	18
South Zone	Oct. 22–Oct. 29 &	6	18
	Nov. 19–Jan. 19	6	18
Coastal Zone	Nov. 10–Nov. 12 &	6	18
	Nov. 24–Jan. 28	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
North Zone	Nov. 24–Nov. 26 &	1	3
	Dec. 10–Jan.10	1	3
Special Season	Jan. 18–Feb. 15	5	15
South Zone	Nov. 24–Nov. 26 &	1	3
	Dec. 17–Jan.17	1	3
	Jan. 18–Feb. 15	5	15
Coastal Zone	Nov. 10–Nov. 12 &	2	6
	Nov. 24–Jan. 2	2	6
Light Geese:			
North, South, and Coastal Zones	Oct. 15–Feb. 15	25	.....
Brant:			
North Zone	Oct. 15–Oct. 22 &	2	6
	Nov. 12–Dec. 31	2	6
South Zone	Oct. 22–Oct. 29 &	2	6
	Nov. 19–Jan. 7	2	6
Coastal Zone	Nov. 10–Nov. 12 &	2	6
	Nov. 24–Jan. 17	2	6
New York:			
Ducks and Mergansers (12):			
Long Island Zone	Nov. 19–Nov. 27 &	6	18
	Dec. 10–Jan. 29	6	18
Lake Champlain Zone	Oct. 15–Oct. 23 &	6	18
	Oct. 29–Dec. 18	6	18

Area	Season dates	Limits	
		Bag	Possession
Northeastern Zone	Oct. 1–Oct. 23 &	6	18
	Oct. 29–Dec. 4	6	18
Southeastern Zone	Oct. 15–Nov. 27 &	6	18
	Dec. 3–Dec. 18	6	18
Western Zone	Oct. 15–Nov. 6 &	6	18
	Nov. 26–Jan. 1	6	18
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
Western Long Island (RP)	Oct. 8–Oct. 23 &	8	24
	Nov. 19–Nov. 27 &	8	24
	Dec. 7–Feb. 22	8	24
Central Long Island (NAP–L)	Nov. 19–Nov. 27 &	3	9
	Dec. 10–Feb. 8	3	9
Eastern Long Island (NAP–H)	Nov. 19–Nov. 27 &	2	6
	Dec. 10–Jan. 29	2	6
Lake Champlain (AP) Zone	Oct. 15–Nov. 13	1	3
Late Season	Dec. 1–Jan. 21	5	15
Northeast (AP) Zone	Oct. 22–Oct. 23 &	1	3
	Oct. 29–Nov. 25	1	3
East Central (AP) Zone	Oct. 22–Nov. 20	1	3
Hudson Valley (AP) Zone	Nov. 5–Nov. 18 &	1	3
	Dec. 3–Dec. 18	1	3
West Central (AP) Zone	Oct. 22–Nov. 6 &	1	3
	Dec. 19–Jan. 1	1	3
South (AFRP) Zone	Oct. 22–Nov. 17 &	5	15
	Nov. 26–Jan. 15	5	15
Light Geese (13):			
Long Island Zone	Nov. 24–Mar. 10	25	.....
Lake Champlain Zone	Oct. 1–Dec. 31	25	.....
Northeastern Zone	Oct. 1–Jan. 31	25	.....
Southeastern Zone	Oct. 1–Jan. 31	25	.....
Western Zone	Oct. 1–Jan. 31	25	.....
Brant:			
Long Island Zone	Nov. 19–Nov. 27 &	2	6
	Dec. 20–Jan. 29	2	6
Lake Champlain Zone	Oct. 15–Dec. 3	2	6
Northeastern Zone	Oct. 1–Nov. 19	2	6
Southeastern Zone	Oct. 1–Nov. 19	2	6
Western Zone	Oct. 1–Nov. 19	2	6
North Carolina:			
Ducks (14)(15)			
Coastal Zone	Oct. 28–Oct. 29 &	6	18
	Nov. 5–Nov. 26 &	6	18
	Dec. 17–Jan. 31	6	18
Inland Zone	Oct. 21–Oct. 22 &	6	18
	Nov. 5–Nov. 26 &	6	18
	Dec. 17–Jan. 31	6	18
Mergansers (16)	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
RP Zone	Oct. 21–Oct. 29 &	5	15
	Nov. 5–Nov. 26 &	5	15
	Dec. 17–Feb. 11	5	15
Northeast Zone	Dec. 28–Jan. 31	1	3
Light Geese	Oct. 11–Feb. 11	25	.....
Brant	Dec. 17–Jan. 31	1	3
Pennsylvania:			
Ducks (17):			
North Zone	Oct. 8–Oct. 22 &	6	18
	Nov. 15–Jan. 7	6	18
South Zone	Oct. 8–Oct. 15 &	6	18
	Nov. 22–Jan. 21	6	18
Northwest Zone	Oct. 8–Dec. 3 &	6	18
	Dec. 27–Jan. 7	6	18
Lake Erie Zone	Oct. 31–Jan. 7	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2)(18):			
AP Zone	Nov. 22–Nov. 25 &	1	3
	Dec. 23–Jan. 21	1	3
RP Zone	Oct. 22–Nov. 25 &	5	15

Area	Season dates	Limits	
		Bag	Possession
	Dec. 12–Jan. 14 &	5	15
	Feb. 3–Feb. 25	5	15
Light Geese:.			
AP Zone	Oct. 1–Jan. 28	25	
RP Zone	Oct. 25–Feb. 25	25	
Brant	Oct. 8–Dec. 5	2	6
Rhode Island:			
Ducks (19)	Oct. 7–Oct. 10 &	6	18
	Nov. 23–Nov. 27 &	6	18
	Dec. 3–Jan. 22	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese	Nov. 19–Nov. 27 &	2	6
	Dec. 3–Jan. 22	2	6
Special Season	Jan. 28–Feb. 11	5	15
Light Geese	Oct. 8–Jan. 22	25	75
Brant	Dec. 4–Jan. 22	2	6
South Carolina:			
Ducks (20)(21)(22)	Nov. 12 &	6	18
	Nov. 19–Nov. 26 &	6	18
	Dec. 12–Jan. 31	6	18
Mergansers (20)	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2)(23)(24).	Nov. 19–Nov. 26 &	5	15
	Dec. 12–Jan. 31	5	15
	Feb. 15–Mar. 1	5	15
Light Geese	Same as for Canada, Cackling, and White-fronted Geese.	25	
Brant	Dec. 13–Jan. 31	2	6
Vermont:			
Ducks (25):			
Lake Champlain Zone	Oct. 15–Oct. 23 &	6	18
	Oct. 29–Dec. 18	6	18
Interior Zone	Oct. 15–Dec. 13	6	18
Connecticut River Zone	Oct. 4–Nov. 6 &	6	18
	Nov. 23–Dec. 18	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
Lake Champlain Zone	Oct. 15–Nov. 13	1	3
Late Season	Dec. 1–Jan. 21	5	15
Interior Zone	Oct. 15–Nov. 13	1	3
Late Season	Dec.1–Jan. 21	5	15
Connecticut River Zone	Oct. 4–Nov. 6 &	2	6
	Nov. 23–Dec. 18	2	6
Late season	Dec. 1–Jan. 21	5	15
Light Geese:.			
Lake Champlain Zone	Oct. 1–Dec. 31 &	25	
	Feb. 26–Mar. 10	25	
Interior Zone	Oct. 1–Dec. 31 &	25	
	Feb. 26–Mar. 10	25	
Connecticut River Zone	Oct. 4–Dec. 18	25	
Brant:.			
Lake Champlain Zone	Oct. 15–Dec. 3	2	6
Interior Zone	Oct. 15–Dec. 3	2	6
Connecticut River Zone	Oct. 4–Nov. 6 &	2	6
	Nov. 23–Dec. 8	2	6
Virginia:			
Ducks (26)(27)	Oct. 7–Oct. 10 &	6	18
	Nov. 16–Nov. 27 &	6	18
	Dec. 17–Jan. 29	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2):			
AP Zone	Dec. 19–Jan. 1 &	1	3
	Jan. 14–Jan. 29	1	3
SJBP Zone	Nov. 16–Nov. 27 &	3	9
	Dec. 19–Jan. 14 &	3	9
Special Season	Jan. 15–Feb. 15	3	9
RP Zone	Nov. 16–Nov. 27 &	5	15
	Dec. 17–Feb. 22	5	15

Area	Season dates	Limits	
		Bag	Possession
Light Geese	Oct. 17–Jan. 31	25	75
Brant	Nov. 22–Nov. 27 &	2	6
	Dec. 17–Jan. 29	2	6
West Virginia:			
Ducks (28)(29)	Oct. 1–Oct. 14 &	6	18
	Nov. 7–Nov. 12 &	6	18
	Dec. 23–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada, Cackling, and White-fronted Geese (2) ..	Oct. 1–Oct. 15 &	5	15
	Nov. 7–Nov. 12 &	5	15
	Dec. 4–Jan. 31	5	15
Light Geese	Same as for Canada, Cackling, and White-fronted Geese.	5	15
Brant	Dec. 13–Jan. 31	2	6

(1) In *Connecticut,* the daily bag limit for scaup is 2 from December 18 through January 11 in the North Zone and from December 30 through January 21 in the South Zone.

(2) The daily bag and possession limits for Canada geese, cackling geese, and white-fronted geese are in the aggregate.

(3) In *Delaware,* the Bombay Hook National Wildlife Refuge snow goose season is open Mondays, Wednesdays, and Fridays only.

(4) In *Florida,* the daily bag limit for scaup is 2 from January 10 through January 29.

(5) In *Maine,* the daily bag limit may include no more than 4 of any species, with no more than 12 of any one species in possession. The season for Barrow's goldeneye is closed. Scaup bag limit is 1 for the entire season.

(6) In *Maryland,* the black duck season is closed in the first (October) segment. Two black ducks may be harvested as part of the daily duck bag limit during the 2nd and 3rd season segments of the regular duck season in both the Eastern and Western Duck Zones. Additionally, the daily bag limit of 6 ducks may include no more than 4 sea ducks, of which no more than 3 may be scoters, eiders, or long-tailed ducks (no more than 1 hen eider). Where the Sea Duck Zone (defined by State regulation 08.03.07.04) is not overlain by the Offshore Waterfowl Hunting Zone (defined by State regulation 08.03.07.07), only sea ducks (scoters, long-tailed ducks, and eiders) may be taken during the regulator duck season.

(7) In *Maryland,* during the regular duck season the scaup bag limit will be 1 during all portions of the regular duck season that occur prior to January 9. The scaup bag limit will be 2 from January 9 through January 31 in both the Eastern and Western duck zones.

(8) In *Massachusetts,* the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.

(9) In *Massachusetts,* the daily bag limit for scaup is 2 from January 9 through 31 in the Coastal Zone.

(10) In *Massachusetts,* the February 1 through 15 portion of the season in the Coastal Zone is restricted to that portion of the Coastal Zone north of the Cape Cod Canal.

(11) In *New Jersey,* the daily bag limit for scaup is 2 from December 21 through January 12 in the North Zone, from December 28 through January 19 in the South Zone, and from January 6 through January 28 in the Coastal Zone. Also, 1 black-bellied whistling-duck or fulvous whistling-duck in aggregate.

(12) In *New York,* the daily bag limit for scaup is 2 from November 15 through December 4 in the Northeast Zone, from December 13 through January 1 in the Western Zone, from November 24 through November 27 and December 3 through December 18 in the Southeast Zone, from January 10 through January 29 in the Long Island Zone, and from October 15 through November 3 in the Lake Champlain Zone.

(13) In *New York,* the use of electronic calls and shotguns capable of holding more than 3 shotshells are allowed for hunting of light geese on any day when all other waterfowl hunting seasons are closed.

(14) In *North Carolina,* the season is closed for black ducks and mottled ducks October 21 through October 29 and November 5 through November 18.

(15) In *North Carolina,* the daily bag limit for scaup is 2 from January 9 through January 31.

(16) In *North Carolina,* the merganser bag limit will be 5 mergansers with no more than 2 hooded mergansers.

(17) In *Pennsylvania,* during the regular duck season in the North Zone, the scaup bag limit will be 2 from December 16 through January 7. During the regular duck season in the South Zone, the scaup bag limit will be 2 from December 30 through January 21. During the regular duck season in the Northwest Zone, the scaup bag limit will be 2 from November 24 through December 3 and from December 27 through January 7. During the regular duck season in the Lake Erie Zone, the scaup bag limit will be 2 from October 31 through November 22.

(18) In *Pennsylvania,* the daily limit is 3 Canada geese with a possession limit of 9 geese in the area south of SR 198 from the Ohio State line to the intersection of I–79, west of I–79 to SR 358, north of SR 358 to the Ohio State line.

(19) In *Rhode Island,* the daily bag limit for scaup is 2 from January 3 through January 22.

(20) In *South Carolina,* the daily bag limit of 6 may not exceed 1 black-bellied whistling-duck or hooded merganser. Further, the black duck/mottled duck limit is as follows: (1) For areas east and south of Interstate 95, either 1 black or 1 mottled duck in the daily bag in the aggregate; (2) for areas west and north of Interstate 95, either 2 black ducks, or 1 black duck and 1 mottled duck in the daily bag.

(21) In *South Carolina,* the daily bag limit for scaup is 2 on November 12, between November 19 and November 26, and between December 12 and December 22.

(22) In *South Carolina,* on November 12, only hunters 17 years of age or younger can hunt ducks [2 scaup], coots, and mergansers. The youth must be accompanied by a person 21 years of age or older who is properly licensed, including State and Federal waterfowl stamps. Youth who are 16 or 17 years of age who hunt on this day are not required to have a State license or State waterfowl stamp but must possess a Federal waterfowl stamp and migratory bird permit.

(23) In *South Carolina,* the daily bag limit may include no more than 2 white-fronted geese.

(24) In *South Carolina,* the hunting area for Canada and cackling geese excludes that portion of Clarendon County bounded to the north by S–14–25; to the east by Highway 260; and to the south by the markers delineating the channel of the Santee River. It also excludes that portion of Clarendon County bounded on the north by S–14–26 and extending southward to that portion of Orangeburg County bordered by Highway 6.

(25) In *Vermont,* the daily bag limit for scaup is 2 within the Lake Champlain Zone: From October 15 through October 23 and from October 29 through November 8. Within the Interior Zone: From October 15 through November 3. Within the Connecticut River Zone: During the regular duck season the scaup bag limit will be 1 for the entire season.

(26) In *Virginia,* the season is closed for black ducks October 7 through October 10.

(27) In *Virginia,* the daily bag limit for scaup is 2 from January 11 through January 29.

(28) In *West Virginia,* the season is closed for eiders, whistling-ducks, and mottled ducks.

(29) In *West Virginia,* the daily bag limit for scaup is 2 from January 12 through January 31.

Mississippi Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 1 pintail, 2 canvasbacks, 2 redheads, 1 scaup (except as footnoted below), and 3 wood ducks. The possession limit is three times the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers and may include no more than 2 hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 may be hooded mergansers. The possession limit is three times the daily bag limit.

Area	Season dates	Limits	
		Bag	Possession
Alabama:			
Ducks	Nov. 25–Nov. 26 &	6	18
	Dec. 3–Jan. 29	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese	Sept. 3–Oct. 2 &	5	15
	Oct. 15–Oct. 29 &	5	15
	Nov. 25–Nov. 26 &	5	15
	Dec. 3–Jan. 29	5	15
Light Geese	Same as for Dark Geese	5	15
Arkansas:			
Ducks	Nov. 19–Nov. 27 &	6	18
	Dec. 10–Dec. 23 &	6	18
	Dec. 26–Jan. 31	6	18
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	45
Canada and Cackling Geese	Sept. 1–Oct. 15 &	5	15
	Nov. 19–Nov. 27 &	3	9
	Dec. 10–Dec. 23 &	3	9
	Dec. 26–Jan. 31	3	9
White-fronted Geese	Oct. 29–Nov. 11 &	3	9
	Nov. 19–Nov. 27 &	3	9
	Dec. 10–Dec. 23 &	3	9
	Dec. 26–Jan. 31	3	9
Brant	Closed.		
Light Geese	Same as for White-fronted Geese	20	
Illinois:			
Ducks (1):			
North Zone	Oct. 22–Dec. 20	6	18
Central Zone	Oct. 29–Dec. 27	6	18
South Central Zone	Nov. 12–Jan. 10	6	18
South Zone	Dec. 3–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
North Zone	Sept. 1–Sept. 15 &	5	15
	Oct. 22–Jan. 19	3	9
Central Zone	Sept. 1–Sept. 15 &	5	15
	Oct. 29–Nov. 6 &	3	9
	Nov. 12–Jan. 31	3	9
South Central Zone	Sept. 1–Sept. 15 &	2	6
	Nov. 12–Jan. 31	3	9
South Zone	Sept. 1–Sept. 15 &	2	6
	Dec. 3–Jan. 31	3	9
White-fronted Geese:			
North Zone	Oct. 24–Jan. 19	2	6
Central Zone	Nov. 5–Jan. 31	2	6
South Central Zone	Nov. 12–Jan. 31	2	6
South Zone	Dec. 3–Jan. 31	2	6
Light Geese:			
North Zone	Oct. 22–Jan. 19	20	
Central Zone	Oct. 29–Jan. 31	20	
South Central Zone	Nov. 12–Jan. 31	20	
South Zone	Dec. 3–Jan. 31	20	
Brant	Same as for Light Geese	1	3
Indiana:			
Ducks (2):			
North Zone	Oct. 22–Dec. 11 &	6	18
	Dec. 26–Jan. 3	6	18
Central Zone	Oct. 29–Nov. 6 &	6	18
	Nov. 19–Jan. 8	6	18
South Zone	Nov. 5–Nov. 6 &	6	18
	Nov. 26–Jan. 22	6	18
Mergansers	Same as for Ducks	5	15

Area	Season dates	Limits	
		Bag	Possession
Coots	Same as for Ducks	15	45
Dark Geese (3):			
North Zone	Sept. 10–Sept. 18 &	5	15
	Oct. 22–Oct. 30 &	5	15
	Nov. 19–Feb. 12	5	15
Central Zone	Sept. 10–Sept. 18 &	5	15
	Oct. 29–Nov. 6 &	5	15
	Nov. 19–Feb. 12	5	15
South Zone	Sept. 10–Sept. 18 &	5	15
	Nov. 5–Nov. 20 &	5	15
	Nov. 26–Feb. 12	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	
Central Zone	Same as for Dark Geese	20	
South Zone	Same as for Dark Geese	20	
Iowa:			
Ducks (4):			
North Zone	Oct. 1–Oct. 7 &	6	18
	Oct. 15–Dec. 6	6	18
Central Zone	Oct. 8–Oct. 14 &	6	18
	Oct. 22–Dec. 13	6	18
South Zone	Oct. 15–Oct. 21 &	6	18
	Oct. 29–Dec. 20	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese:			
North Zone (5)	Sept. 10–Sept. 18	5	15
	Sept. 24–Oct. 9 &	5	15
	Oct. 15–Dec. 6 &	5	15
	Dec. 10–Jan. 7	5	15
Central Zone (5)	Sept. 10–Sept. 18	5	15
	Oct. 1–Oct. 16 &	5	15
	Oct. 22–Dec. 13 &	5	15
	Dec. 17–Jan. 14	5	15
South Zone (5)	Oct. 8–Oct. 23 &	5	15
	Oct. 29–Dec. 20 &	5	15
	Dec. 24–Jan. 21	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	
Central Zone	Same as for Dark Geese	20	
South Zone	Same as for Dark Geese	20	
Kentucky:			
Ducks (6):			
West Zone	Nov. 24–Nov. 27 &	6	18
	Dec. 7–Jan. 31	6	18
East Zone	Same as West Zone	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese	Sept. 16–Sept. 30 &	5	15
	Nov. 24–Feb. 15	3	9
White-fronted Geese	Nov. 24–Feb. 15	2	6
Brant	Nov. 24–Feb. 15	1	3
Light Geese	Nov. 24–Feb. 15	20	60
Louisiana:			
Ducks (7):			
East Zone	Nov. 19–Dec. 4 &	6	18
	Dec. 17–Jan. 29	6	18
West Zone	Nov. 12–Dec. 4 &	6	18
	Dec. 17–Jan. 1 &	6	18
	Jan. 9–Jan. 29	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
East Zone	Nov. 5–Dec. 4 &	1	3
	Dec. 17–Jan. 29	1	3
West Zone	Nov. 5–Dec. 4 &	1	3
	Dec. 17–Jan. 1 &	1	3
	Jan. 9–Feb. 5	1	3
White-fronted Geese	Same as for Canada and Cackling Geese	3	9
Brant	Closed		
Light Geese	Same as for Canada and Cackling Geese	20	
Michigan:			

Area	Season dates	Limits	
		Bag	Possession
Ducks (8):			
North Zone	Sept. 24–Nov. 20 &	6	18
	Nov. 26–Nov. 27	6	18
Middle Zone	Oct. 8–Dec. 4 &	6	18
	Dec. 17–Dec. 18	6	18
South Zone	Oct. 15–Dec. 11 &	6	18
	Dec. 31–Jan. 1	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (9):			
North Zone	Sept. 1–Dec. 16	5	15
Middle Zone	Sept. 1–Sept. 30 &	5	15
	Oct. 8–Dec. 23	5	15
South Zone:			
Muskegon Wastewater Game Management Unit (GMU).	Oct. 15–Dec. 22	5	15
Allegan County GMU	Sept. 1–Sept. 30 &	5	15
	Nov. 5–Nov. 13 &	5	15
	Nov. 26–Dec. 4 &	5	15
	Dec. 17–Feb. 13	5	15
Remainder of South Zone	Sept. 1–Sept. 30 &	5	15
	Oct. 15–Dec. 11 &	5	15
	Dec. 31–Jan. 8 &	5	15
	Feb. 4–Feb. 13	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	60
Middle Zone	Same as for Dark Geese	20	60
South Zone:			
Muskegon Wastewater GMU	Same as for Dark Geese	20	60
Allegan County GMU	Same as for Dark Geese	20	60
Remainder of South Zone	Same as for Dark Geese	20	60
Minnesota:			
Ducks (10):			
North Zone	Sept. 24–Nov. 22	6	18
Central Zone	Sept. 24–Oct. 2 &	6	18
	Oct. 8–Nov. 27	6	18
South Zone	Sept. 24–Oct. 2 &	6	18
	Oct. 8–Nov. 27	6	18
Mergansers	Same as for Ducks	5	15
Coots (11)	Same as for Ducks	15	45
Dark Geese:			
North Zone	Sept. 3–Sept. 18 &	5	15
	Sept. 24–Dec. 23	5	15
Central Zone	Sept. 3–Sept. 18 &	5	15
	Sept. 24–Oct. 2 &	5	15
	Oct. 8–Dec. 28	5	15
South Zone	Sept. 3–Sept. 18 &	5	15
	Sept. 24–Oct. 2 &	5	15
	Oct. 8–Dec. 28	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	60
Central Zone	Same as for Dark Geese	20	60
South Zone	Same as for Dark Geese	20	60
Mississippi:			
Ducks (6)	Nov. 25–Nov. 27 &	6	18
	Dec. 2–Dec. 4 &	6	18
	Dec. 9–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese	Sept. 1–Sept 30 &	5	15
	Nov. 11–Nov. 27 &	5	15
	Dec. 2–Dec. 4 &	5	15
	Dec. 9–Jan. 31	5	15
White-fronted Geese	Nov. 11–Nov. 27 &	3	9
	Dec. 2–Dec. 4 &	3	9
	Dec. 9–Jan. 31	3	9
Brant	Same as for White–fronted Geese	1	3
Light Geese	Same as for White–fronted Geese	20	.....
Missouri:			
Ducks and Mergansers (12):			
North Zone	Oct. 29–Dec. 27	6	18
Middle Zone	Nov. 5–Nov. 13 &	6	18

Area	Season dates	Limits	
		Bag	Possession
	Nov. 19–Jan. 8	6	18
South Zone	Nov. 24–Nov. 27 &	6	18
	Dec. 7–Jan. 31	6	18
Coots	Same as for Ducks	15	45
Canada and Cackling Geese, and Brant (13):			
North Zone	Oct. 1–Oct. 9 &	3	9
	Nov. 11–Feb. 6	3	9
Middle Zone	Same as North Zone	3	9
South Zone	Same as North Zone	3	9
White-fronted Geese:			
North Zone	Nov. 11–Feb. 6	2	6
Middle Zone	Same as North Zone	2	6
South Zone	Same as North Zone	2	6
Light Geese:.			
North Zone	Nov. 11–Feb. 6	20	.....
Middle Zone	Same as North Zone	20	.....
South Zone	Same as North Zone	20	.....
Ohio:			
Ducks (14):			
Lake Erie Marsh Zone	Oct. 15–Oct. 30 &	6	18
	Nov. 5–Dec. 18	6	18
North Zone	Oct. 22–Oct. 30 &	6	18
	Nov. 12–Jan. 1	6	18
South Zone	Oct. 22–Oct. 30 &	6	18
	Dec. 10–Jan. 29	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (15):			
Lake Erie Goose Zone	Sept. 3–Sept. 11 &	5	15
	Oct. 15–Oct. 30 &	5	15
	Nov. 5–Dec. 18	5	15
	Jan. 1–Feb. 5	5	15
North Zone	Sept. 3–Sept. 11 &	5	15
	Oct. 22–Oct. 30 &	5	15
	Nov. 12–Feb. 6	5	15
South Zone	Sept. 3–Sept. 11 &	5	15
	Oct. 22–Oct. 30 &	5	15
.....	Nov. 19–Feb. 13	5	15
Light Geese:			
Lake Erie Goose Zone	Same as for Dark Geese	10	30
North Zone	Same as for Dark Geese	10	30
South Zone	Same as for Dark Geese	10	30
Tennessee:			
Ducks (16):			
Reelfoot Zone	Nov. 26–Nov. 27 &	6	18
	Dec. 5–Jan. 31	6	18
Rest of State	Nov. 26–Nov. 27 &	6	18
	Dec. 5–Jan. 31	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
Reelfoot Zone	Sept. 1–Sept. 18 &	5	15
	Oct. 8–Oct. 18 &	3	9
	Nov. 26–Nov. 27 &	3	9
	Dec. 5–Feb. 12	3	9
Rest of State	Sept. 1–Sept. 18 &	5	15
	Oct. 8–Oct. 18 &	3	9
	Nov. 26–Nov. 27 &	3	9
	Dec. 5–Feb. 12	3	9
White-fronted Geese:			
Reelfoot Zone	Nov. 26–Nov. 27 &	3	9
	Dec. 5–Feb. 12	3	9
Rest of State	Nov. 26–Nov. 27 &	3	9
	Dec. 5–Feb. 12	3	9
Brant	Same as for Canada and Cackling Geese	1	3
Light Geese	Same as for Canada and Cackling Geese	20	.....
Wisconsin:			
Ducks (17):			
North Zone	Sept. 24–Nov. 22	6	18
South Zone	Oct. 1–Oct. 9 &	6	18
	Oct. 15–Dec. 4	6	18
Open Water Zone	Oct. 15–Dec. 13	6	18

Area	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese:			
North Zone (18)	Sept. 1–Sept. 15	5	15
	Sept. 16–Dec. 16	3	9
South Zone (18)	Sept. 1–Sept. 15	5	15
	Sept. 16–Oct. 9 &	3	9
	Oct. 15–Dec. 4 &	3	9
	Dec. 18–Jan. 3	3	9
Mississippi River Zone (18)	Sept. 1–Sept. 15	5	15
	Oct. 1–Oct. 9 &	3	9
	Oct. 15–Jan. 3	3	9
Light Geese:			
North Zone	Sept. 1–Dec. 16	20	.....
South Zone	Sept. 1–Oct. 9 &	20	.....
	Oct. 15–Dec. 4 &	20	.....
	Dec. 18–Jan. 3	20	.....
Mississippi River Zone	Sept. 1–Sept. 15 &	20	.....
	Oct. 1–Oct. 9 &	20	.....
	Oct. 15–Jan. 3	20	.....

(1) In *Illinois,* the daily bag limit for scaup is 2 during the first 45 days in each of the 4 Zones.
(2) In *Indiana,* the daily bag limit for scaup is 2 from November 6 through December 11 and from November 26 through January 3 in the North Zone, from November 25 through January 8 in the Central Zone, and from December 9 through January 22 in the South Zone.
(3) In *Indiana,* the dark goose daily bag limit is 5 per day in the aggregate. The possession limit is three times the daily bag limit.
(4) In *Iowa,* the daily bag limit for scaup is 2 for the last 45 days of the season.
(5) In *Iowa,* Canada and cackling geese only September 10 through September 18, for the North and Central Zones. After September 18, the dark goose daily bag limit is 5 and may not include more than 2 Canada and cackling geese September 24 through October 9 in the North Zone, October 1 through October 16 in the Central Zone, and October 8 through October 23 in the South Zone. No more than 3 Canada and cackling geese thereafter, until the end of the season.
(6) In *Kentucky* and *Mississippi,* the daily bag limit for scaup is 2 from December 18 through January 31.
(7) In *Louisiana,* the daily bag limit for scaup is 2 from November 27 through January 29 in the West Zone and from December 4 through January 29 in the East Zone.
(8) In *Michigan,* the daily bag limit for scaup is 2 from September 24 through November 7 in the North Zone, from October 24 through December 4 and December 17 through 18 in the Middle Zone, and from October 31 through December 11 and December 31 through January 1 in the South Zone.
(9) In *Michigan,* the dark goose daily bag limit is 5 and may not include more than 1 brant.
(10) In *Minnesota,* the daily bag limit for scaup is 2 Statewide from October 14 through the remainder of the season.
(11) In *Minnesota,* the daily bag limit is 15, and the possession limit is 45 coots and gallinules in the aggregate.
(12) In *Missouri,* the daily bag limit for scaup is 2 from October 29 through December 12 in the North Zone, from November 5 through November 13 and November 19 through December 24 in the Middle Zone, and from November 24 through November 27 and December 7 through January 16 in the South Zone.
(13) In *Missouri,* Canada and cackling geese and brant will have aggregate daily bag and possession limits of 3 and 9, respectively.
(14) In *Ohio,* the daily bag limit for scaup is 2 on October 30 and from November 5 through December 18 in the Lake Erie Zone, from November 18 through January 1 in the North Zone, and from December 16 through January 29 in the South Zone.
(15) In *Ohio,* the dark goose daily bag limit may include no more than 1 brant.
(16) In *Tennessee,* the daily bag limit for scaup is 2 from December 18 through January 31.
(17) In *Wisconsin,* the daily bag limit for scaup is 2 from September 24 through November 11 in the North Zone, from October 21 through December 4 in the South Zone, and from October 15 through November 28 in the Open Water Zone.
(18) In *Wisconsin,* Canada and cackling geese only September 1 through 15. After September 15, the bag limit for dark geese is 3 and the possession is 9. The limit and possession for white-fronted geese and brant may be no more than 1 and 3, in the aggregate with Canada and cackling geese.

Central Flyway

Flyway-Wide Restrictions

Duck and Merganser Limits: The daily bag limit is 6 ducks (including mergansers), which may include no more than 5 mallards (2 female mallards), 1 pintail, 2 canvasbacks, 2 redheads, 1 scaup, 3 wood ducks, and 6 mergansers. The possession limit is three times the daily bag limit.

Area	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks and Mergansers:			
Southeast Zone	Oct. 28–Jan. 31	6	18
Northeast Zone	Oct. 8–Nov. 27 &	6	18
	Dec. 18–Jan. 31	6	18
Mountain/Foothills Zone	Oct. 1–Nov. 27 &	6	18
	Dec. 25–Jan. 31	6	18
Coots	Same as for Ducks	15	45
Dark Geese:			
Northern Front Range Unit	Oct. 31–Feb. 12	5	15
South Park Unit	Oct. 1–Jan. 13	5	15

Area	Season dates	Limits	
		Bag	Possession
San Luis Valley Unit	Oct. 1–Oct. 19 &	5	15
	Nov. 19–Feb. 12	5	15
North Park Unit	Oct. 1–Jan. 13	5	15
Rest of State in Central Flyway	Oct. 31–Feb. 12	5	15
Light Geese:			
Northern Front Range Unit	Oct. 29–Feb. 12	50	
South Park Unit	Oct. 29–Feb. 12	50	
San Luis Valley Unit	Oct. 29–Feb. 12	50	
North Park Unit	Oct. 29–Feb. 12	50	
Rest of State in Central Flyway	Oct. 29–Feb. 12	50	
Kansas:			
Ducks and Mergansers:			
High Plains	Oct. 8–Jan. 1 &	6	18
	Jan. 20–Jan. 29	6	18
Low Plains:			
Early Zone	Oct. 8–Dec. 4 &	6	18
	Dec. 17–Jan. 1	6	18
Late Zone	Oct. 29–Jan. 1 &	6	18
	Jan. 21–Jan. 29	6	18
Southeast Zone	Nov. 5–Jan. 1 &	6	18
	Jan. 14–Jan. 29	6	18
Coots	Same as for Ducks	15	45
Dark Geese (1)	Oct. 29–Oct. 30 &	6	18
	Nov. 2–Feb. 12	6	18
White-fronted Geese	Oct. 29–Jan. 1 &	2	6
	Jan. 21–Feb. 12	2	6
Light Geese	Oct. 29–Oct. 30 &	50	
	Nov. 2–Feb. 12	50	
Montana:			
Ducks and Mergansers (2):			
Zone 1	Oct. 1–Jan. 5	6	18
Zone 2	Oct. 1–Oct. 9 &	6	18
	Oct. 22–Jan. 17	6	18
Coots	Same as for Ducks	15	45
Dark Geese:			
Zone 1	Oct. 1–Jan. 13	5	15
Zone 2	Oct. 1–Oct. 9 &	5	15
	Oct. 22–Jan. 25	5	15
Light Geese:			
Zone 1	Oct. 1–Jan. 13	20	60
Zone 2	Same as for Dark Geese	20	60
Nebraska:			
Ducks and Mergansers (3):			
High Plains Unit	Jan. 4–Jan. 25	6	18
Zone 1	Oct. 15–Dec. 27	6	18
Zone 2:	Oct. 1–Dec. 13	6	18
Zone 3:	Oct. 22–Jan. 3	6	18
Zone 4	Oct. 22–Jan. 3	6	18
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
Niobrara Unit	Oct. 28–Feb. 9	5	15
North Central Unit	Oct. 1–Jan. 13	5	15
Platte River Unit	Oct. 28–Feb. 9	5	15
White-fronted Geese	Oct. 1–Dec. 11 &	2	6
	Jan. 25–Feb. 9	2	6
Light Geese	Oct. 1–Dec. 28 &	50	
	Jan. 25–Feb. 9	50	
New Mexico:			
Ducks and Mergansers (4):			
North Zone	Oct. 8–Jan. 11	6	18
South Zone	Oct. 28–Jan. 31	6	18
Coots	Same as for Ducks	15	45
Dark Geese:			
Middle Rio Grande Unit	Dec. 19–Jan. 31	2	2
Rest of State	Oct. 17–Jan. 31	5	15
Light Geese	Oct. 17–Jan. 31	50	
North Dakota:			
Ducks and Mergansers (2):			
High Plains	Sept. 24–Dec. 4 &	6	18
	Dec. 10–Jan. 1	6	18
Low Plains	Sept. 24–Dec. 4	6	18
Coots	Same as for Ducks	15	45

Area	Season dates	Limits	
		Bag	Possession
Canada and Cackling Geese and Brant (5):			
Missouri River Zone	Sept. 24–Dec. 30	5	15
Western ND Zone	Sept. 24–Dec. 22	8	24
Rest of State	Sept. 24–Dec. 17	8	24
White-fronted Geese	Sept. 24–Dec. 4	3	9
Light Geese	Sept. 24–Dec. 30	50	.....
Oklahoma:			
Ducks and Mergansers:			
High Plains	Oct. 8–Jan. 4	6	18
Low Plains:.			
Zone 1	Nov. 12–Nov. 27 &	6	18
	Dec. 3–Jan. 29	6	18
Zone 2	Nov. 12–Nov. 27 &	6	18
	Dec. 3–Jan. 29	6	18
Coots	Same as for Ducks	15	45
Canada and Cackling Geese and Brant (1)	Nov. 5–Nov. 27 &	8	24
	Dec. 3–Feb. 12	8	24
White-fronted Geese	Nov. 5–Nov. 27 &	2	6
	Dec. 3–Feb. 5	2	6
Light Geese	Nov. 5–Nov. 27 &	50	.....
	Dec. 3–Feb. 12	50	.....
South Dakota:			
Ducks and Mergansers (2)(3):			
High Plains	Oct. 8–Jan. 12	6	18
Low Plains:			
North Zone	Sept. 24–Dec. 6	6	18
Middle Zone	Sept. 24–Dec. 6	6	18
South Zone	Oct. 22–Jan. 3	6	18
Coots	Same as for Ducks	15	45
Canada and Cackling Geese:			
Unit 1	Oct. 1–Dec. 16	8	24
Unit 2	Oct. 31–Feb. 12	4	12
Unit 3	Oct. 15–Dec. 18 &	4	12
	Jan. 14–Jan. 22	4	12
White-fronted Geese	Sept. 24–Dec. 6	3	9
Light Geese	Sept. 24–Jan. 6	50	
Texas:			
Ducks and Mergansers (6):			
High Plains	Oct. 29–Oct. 30 &	6	18
	Nov. 4–Jan. 29	6	18
Low Plains:			
North Zone	Nov. 12–Nov. 27 &	6	18
	Dec. 3–Jan. 29	6	18
South Zone	Nov. 5–Nov. 27 &	6	18
	Dec. 10–Jan. 29	6	18
Coots	Same as for Ducks	15	45
Canada and Cackling Geese and Brant (7):			
Southeast Goose Zone	Nov. 5–Jan. 29	5	15
Northeast Goose Zone	Nov. 5–Jan. 29	5	15
West Goose Zone	Nov. 5–Feb. 5	5	15
White-fronted Geese (7):			
Southeast Goose Zone	Nov. 5–Jan. 29	2	6
Northeast Goose Zone	Nov. 5–Jan. 29	2	6
West Goose Zone	Nov. 5–Feb. 5	2	6
Light Geese:			
Southeast Goose Zone	Nov. 5–Jan. 29	10	.....
Northeast Goose Zone	Nov. 5–Jan. 29	10	.....
West Goose Zone	Nov. 5–Feb. 5	10	.....
Wyoming:			
Ducks and Mergansers (2):			
Zone C1	Oct. 1–Oct. 16 &	6	18
	Nov. 5–Jan. 24	6	18
Zone C2	Sept. 24–Dec. 4 &	6	18
	Dec. 17–Jan. 10	6	18
Zone C3	Same as Zone C2	6	18
Coots	Same as for Ducks	15	45
Dark Geese:			
Zone G1A (8)	Oct. 1–Oct. 23 &	2	6
	Nov. 12–Feb. 12	4	12
Zone G1	Oct. 1–Oct. 9 &	5	15
	Nov. 5–Nov. 27 &	5	15
	Dec. 2–Feb. 12	5	15

Area	Season dates	Limits	
		Bag	Possession
Zone G2	Sept. 24–Dec. 4 &	5	15
	Dec. 17–Jan. 18	5	15
Zone G3	Same as Zone G2.		
Zone G4	Same as Zone G1.		
Light Geese	Oct. 1–Jan. 1 &	20	60
	Feb. 1–Feb. 12	20	60

(1) In *Kansas* and *Oklahoma,* dark geese include Canada, cackling geese, brant, and all other geese except white-fronted geese and light geese.

(2) In *Montana,* during the first 9 days of the duck season, and in *North Dakota, South Dakota (Tier I license),* and *Wyoming,* during the first 16 days of the duck season, the daily bag and possession limit may include 2 and 6 additional blue-winged teal, respectively.

(3) For hunters possessing a Tier II license, the daily bag limit is 3 ducks or mergansers of any species in the aggregate, and the possession limit is 9.

(4) In *New Mexico,* Mexican ducks are included in the aggregate with mallards.

(5) In *North Dakota,* see State regulations for additional shooting hour restrictions.

(6) In *Texas,* the daily bag limit is 6 ducks, which may include no more than 5 mallards (only 2 of which may be females), 2 redheads, 3 wood ducks, 1 scaup, 2 canvasbacks, 1 pintail, and 1 dusky duck (mottled duck, Mexican duck, black duck and their hybrids). The season for dusky ducks is closed the first 5 days of the season in all zones. The possession limit is three times the daily bag limit.

(7) In *Texas,* in the East and West Goose Zone, the daily bag limit for dark geese is 5 in the aggregate and may include no more than 2 white-fronted geese. Possession limits are three times the daily bag limits.

(8) For Dark Goose Zone G1A, see State regulations for additional restrictions.

Pacific Flyway

Flyway-Wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 redheads, 2 scaup, and 2 canvasbacks. The possession limit is three times the daily bag limit.

Coot and Gallinule Limits: Daily bag and possession limits are in the aggregate for the two groups.

Area	Season dates	Limits	
		Bag	Possession
Arizona:			
Ducks (1):			
North Zone:			
Scaup	Oct. 22–Jan. 15	2	6
Other Ducks	Oct. 7–Jan. 15	7	21
South Zone:			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 23–Jan. 31	7	21
Coots and Gallinules	Same as for Other Ducks	25	75
Dark Geese:			
North Zone	Oct. 7–Jan. 15	5	15
South Zone	Oct. 23–Jan. 31	5	15
Light Geese	Same as for Dark Geese	10	30
California:			
Ducks:			
Northeastern Zone:			
Scaup	Oct. 1–Nov. 27 &	2	6
	Dec. 15–Jan. 11	2	6
Other Ducks	Oct. 1–Jan. 11	7	21
Colorado River Zone:			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 23–Jan. 31	7	21
Southern Zone:			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 22–Jan. 31	7	21
Southern San Joaquin Valley Zone:.			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 22–Jan. 31	7	21
Balance of State Zone:			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 22–Jan. 31	7	21
Coots and Gallinule	Same as for Other Ducks	25	75
Canada and Cackling Geese (2)(3):			
Northeastern Zone (4)	Oct. 1–Jan. 8	10	30
Klamath Basin Special Management Area	Oct. 1–Jan. 8	10	30
Colorado River Zone	Oct. 23–Jan. 31	4	12
Southern Zone	Oct. 22–Jan. 31	3	9
Balance of State Zone	Oct. 1–Oct. 3 &	10	30
	Oct. 22–Jan. 29 &	10	30
	Feb. 18–Feb. 19	10	30
North Coast Special Management Area	Nov. 9–Jan. 31 &	10	30

Area	Season dates	Limits	
		Bag	Possession
	Feb. 18–Mar. 10	10	30
White-fronted Geese (2):			
Northeastern Zone	Oct. 1–Nov. 27 &	10	30
	Dec. 31–Jan. 13 &	10	30
	Feb. 6–Mar.10	10	30
Klamath Basin Special Management Area	Oct. 1–Jan. 13	10	30
Colorado River Zone	Oct. 23–Jan. 31	4	12
Southern Zone	Oct. 22–Jan. 31	3	9
Balance of State Zone	Oct. 22–Jan. 29 &	10	30
	Feb. 18–Feb. 22	10	30
Sacramento Valley Special Management Area.	Oct. 22–Dec. 21	3	9
Light Geese:			
Northeastern Zone	Oct. 1–Nov. 27 &	20	60
	Dec. 31–Jan. 13 &	20	60
	Feb. 6–Mar.10	20	60
Klamath Basin Special Management Area	Oct. 1–Jan. 13	20	60
Colorado River Zone	Oct. 23–Jan. 31	20	60
Southern Zone	Oct. 22–Jan. 31	20	60
Imperial County Special Management Area	Nov. 5–Feb. 3 &	20	60
	Feb. 6–Feb. 10 &	20	60
	Feb. 13–Feb. 21	20	60
Balance of State Zone	Oct. 22–Jan. 29 &	20	60
	Feb. 18–Feb. 22	20	60
Brant:			
Northern Zone	Nov. 8–Dec. 14	2	6
Balance of State Zone	Nov. 9–Dec. 15	2	6
Colorado:			
Ducks:			
East Zone:			
Scaup	Oct. 1–Dec. 25	2	6
Other Ducks	Oct. 1–Jan. 13	7	21
West Zone:			
Scaup	Oct. 1–Oct. 18 &	2	6
	Nov. 6–Jan. 12	2	6
Other Ducks	Oct. 1–Oct. 18 &	7	21
	Nov. 6–Jan. 31	7	21
Coots	Same as for Other Ducks	25	75
Dark Geese:			
East Zone	Oct. 1–Jan. 4	5	15
West Zone	Oct. 1–Oct. 9 &	5	15
	Nov. 6–Jan. 31	5	15
Light Geese	Same as for Dark Geese	10	30
Idaho:			
Ducks:			
Zone 1:			
Scaup	Oct. 1–Dec. 25	2	6
Other Ducks	Oct. 1–Jan. 13	7	21
Zone 2:			
Scaup	Oct. 20–Jan. 13	2	6
Other Ducks	Oct. 1–Jan. 13	7	21
Zone 3:			
Scaup	Nov. 7–Jan. 31	2	6
Other Ducks	Oct. 19–Jan. 31	7	21
Zone 4:			
Scaup	Oct. 1–Dec. 25	2	6
Other Ducks	Oct. 1–Jan. 13	7	21
Coots	Same as for Other Ducks	25	75
Canada and Cackling Geese, and Brant (5):			
Zone 1	Oct. 1–Jan. 13	5	15
Zone 2	Oct. 19–Jan. 31	5	15
Zone 3	Oct. 19–Jan. 31	5	15
Zone 4	Oct. 1–Dec. 29	5	15
Zone 5	Oct. 1–Jan. 13	5	15
Zone 6	Oct. 1–Jan. 13	5	15
White-fronted Geese:			
Zone 1	Oct. 1–Jan. 13	10	30
Zone 2	Oct. 1–Jan. 13	10	30
Zone 3	Oct. 19–Jan. 31	10	30
Zone 4	Nov. 7–Feb. 19	10	30
Zone 5	Oct. 1–Jan. 13	10	30
Zone 6	Oct. 1–Jan. 13	10	30

Area	Season dates	Limits	
		Bag	Possession
Light Geese:			
Zone 1	Oct. 1–Jan. 13	20	60
Zone 2	Oct. 1–Dec. 9 &	20	60
	Feb. 4–Mar. 10	20	60
Zone 3	Nov. 26–Mar. 10	20	60
Zone 4	Oct. 19–Jan. 31	20	60
Zone 5	Oct. 1–Jan. 13	20	60
Zone 6	Oct. 1–Jan. 13	20	60
Zone 7	Oct. 1–Jan. 13	20	60
Montana:			
Ducks:			
Scaup	Oct. 1–Dec. 25	2	6
Other Ducks	Oct. 1–Jan. 13	7	21
Coots	Same as for Other Ducks	25	25
Dark Geese (6)	Oct. 1–Jan. 13	5	15
Light Geese (6)	Same as for Dark Geese	20	60
Nevada:			
Ducks:			
Northeast Zone:			
Scaup	Sept. 24–Nov. 29 &	2	6
	Dec. 10–Dec. 28	2	6
Other Ducks	Sept. 24–Nov. 29 &	7	21
	Dec. 10–Jan. 16	7	21
Northwest Zone:			
Scaup	Nov. 3–Jan. 8 &	2	6
	Jan. 11–Jan. 29	2	6
Other Ducks	Oct. 15–Jan. 8 &	7	21
	Jan. 11–Jan. 29	7	21
South Zone:			
Scaup	Nov. 5–Jan. 29	2	6
Other Ducks	Oct. 15–Oct. 23 &	7	21
	Oct. 26–Jan. 29	7	21
Moapa Valley Special Management Area (7):			
Scaup	Nov. 5–Jan. 29	2	6
Other Ducks	Oct. 29–Jan. 29	7	21
Coots and Gallinule	Same as for Other Ducks	25	75
Canada and Cackling Geese, and Brant (5):			
Northeast Zone	Sept. 24–Nov. 29 &	5	15
	Dec. 10–Jan. 16	5	15
Northwest Zone	Oct. 15–Jan. 8 &	5	15
	Jan. 11–Jan. 29	5	15
South Zone	Oct. 15–Oct. 23 &	5	15
	Oct. 26–Jan. 29	5	15
Moapa Valley Special Management Area (7):	Oct. 29–Jan. 29	5	15
White-fronted Geese:			
Northeast Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Northwest Zone	Same as for Canada and Cackling Geese, and Brant	10	30
South Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Moapa Valley Special Management Area (7):	Same as for Canada and Cackling Geese, and Brant	10	30
Light Geese:			
Northeast Zone (8)	Sept. 24–Nov. 29 &	20	60
	Dec. 10–Jan. 16	20	60
Northwest Zone (9)	Nov. 5–Jan. 8 &	20	60
	Jan. 11–Jan. 29 &	20	60
	Feb. 18–Mar. 10	20	60
South Zone	Oct. 15–Oct. 23 &	20	60
	Oct. 26–Jan. 29	20	60
Moapa Valley Special Management Area (7):	Oct. 29–Jan. 29	20	60
New Mexico:			
Ducks:			
Scaup	Oct. 19–Jan. 12	2	6
Other Ducks	Oct. 19–Jan. 31	7	21
Coots and Gallinules	Same as for Other Ducks	25	75
Canada and Cackling Geese, and Brant (5):			
North Zone	Sept. 24–Oct. 9 &	5	15
	Nov. 2–Jan. 31	5	15
South Zone	Oct. 17–Jan. 31	5	15
White-fronted Geese:			
North Zone	Same as for Canada and Cackling Geese, and Brant	10	30
South Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Light Geese:			
North Zone	Same as for Canada and Cackling Geese, and Brant	20	60

Area	Season dates	Limits	
		Bag	Possession
South Zone	Same as for Canada and Cackling Geese, and Brant	20	60
Oregon:			
Ducks:			
Zone 1:			
Columbia Basin Unit and Rest of Zone 1:			
Scaup	Nov. 5–Jan. 29	2	6
Other Ducks	Oct. 15–Oct. 30 &	7	21
	Nov. 3–Jan. 29	7	21
Zone 2:			
Scaup	Oct. 8–Nov. 27 &	2	6
	Dec. 1–Jan. 4	2	6
Other Ducks	Oct. 8–Nov. 27 &	7	21
	Dec. 1–Jan. 22	7	21
Coots	Same as for Other Ducks	25	75
Canada and Cackling Geese:			
Northwest Permit Zone (10)(11)	Oct. 22–Oct. 30 &	3	9
	Nov. 19–Jan. 9 &	3	9
	Feb. 4–Mar. 10	3	9
Tillamook County Management Area	Closed	.....	.....
Southwest Zone	Oct. 15–Oct. 30 &	4	12
	Nov. 8–Jan. 29	4	12
South Coast Zone	Oct. 1–Dec. 4 &	6	18
	Dec. 17–Jan. 3 &	6	18
	Feb. 18–Mar. 10	6	18
Eastern Zone	Oct. 8–Nov. 27 &	4	12
	Dec. 13–Jan. 29	4	12
Mid-Columbia Zone	Oct. 15–Oct. 30 &	4	12
	Nov. 8–Jan. 29	4	12
White-fronted Geese:			
Northwest Permit Zone (10)	Same as for Canada and Cackling Geese	10	30
Tillamook County Management Area	Closed	.....	.....
Southwest Zone	Same as for Canada and Cackling Geese	10	30
South Coast Zone	Same as for Canada and Cackling Geese	10	30
Eastern Zone (12)	Oct. 8–Nov. 27 &	10	30
	Jan. 16–Mar. 10	10	30
Mid-Columbia Zone	Nov. 8–Jan. 29 &	10	30
	Feb. 4–Feb. 25	10	30
Light Geese:			
Northwest Permit Zone (10)	Same as for Canada and Cackling Geese	20	60
Tillamook County Management Area	Closed.		
Southwest Zone	Same as for Canada and Cackling Geese	20	60
South Coast Zone	Same as for Canada and Cackling Geese	20	60
Eastern Zone	Oct. 8–Nov. 27 &	20	60
	Jan. 16–Mar. 10	20	60
Mid-Columbia Zone	Nov. 8–Jan. 29 &	20	60
	Feb. 4–Feb. 25	20	60
Brant	Nov. 26–Dec. 11	2	6
Utah:			
Ducks:			
Northern Zone:			
Scaup	Oct. 1–Dec. 25	2	6
Other Ducks	Oct. 1–Jan. 14	7	21
Southern Zone:			
Scaup	Nov. 4–Jan. 28	2	6
Other Ducks	Oct. 15–Jan. 28	7	21
Coots	Same as for Other Ducks	25	75
Canada and Cackling Geese, and Brant (5):			
East Box Elder County Zone	Oct. 1–Jan. 14	5	15
Wasatch Front Zone	Oct. 1–Oct. 8 &	5	15
	Nov. 10–Feb. 15	5	15
Northern Zone	Oct. 1–Oct. 8 &	5	15
	Oct. 26–Jan. 31	5	15
Southern Zone	Oct. 15–Jan. 28	5	15
White-fronted Geese:			
East Box Elder County Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Wasatch Front Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Northern Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Southern Zone	Same as for Canada and Cackling Geese, and Brant	10	30
Light Geese			
Southern Zone	Oct. 25–Dec. 15 &	20	60
	Jan. 15–Mar. 10	20	60

Area	Season dates	Limits	
		Bag	Possession
Rest of State	Oct. 15–Dec. 22 &	20	60
	Feb. 1–Mar. 10	20	60
Washington:			
Ducks (13):			
East and West Zones (14):			
Scaup	Nov. 5–Jan. 29	2	6
Other Ducks	Oct. 15–Oct 23 &	7	21
	Oct. 26–Jan. 29	7	21
Coots	Same as for Other Ducks	25	75
Canada and Cackling Geese:			
Area 1 (15)	Oct. 15–Nov. 27 &	4	12
	Dec. 10–Jan. 29	4	12
Area 2 Inland (16)(17)	Oct. 15–Oct. 30 &	3	9
	Nov. 23–Jan. 15 &	3	9
	Feb. 11–Mar. 8	3	9
Area 2 Coast (16)(17)	Oct. 15–Dec. 4 &	3	9
	Dec. 21–Jan. 22 &	3	9
	Feb. 11–Feb. 22	3	9
Area 3 (15)	Oct. 15–Oct. 27 &	4	12
	Nov. 5–Jan. 29	4	12
Area 4 (15)	Oct. 15–Oct. 30 &	4	12
	Nov. 2 only &	4	12
	Nov. 5–Jan. 29	4	12
Area 5 (15)	Oct. 15–Oct. 31 &	4	12
	Nov. 5–Jan. 29	4	12
White-fronted Geese:			
Area 1 (15)	Same as for Canada and Cackling Geese	10	30
Area 2 Inland (16)	Same as for Canada and Cackling Geese	10	30
Area 2 Coast (16)	Same as for Canada and Cackling Geese	10	30
Area 3 (15)	Same as for Canada and Cackling Geese	10	30
Area 4 (15)	Same as for Canada and Cackling Geese	10	30
Area 5 (15)	Same as for Canada and Cackling Geese	10	30
Light Geese (18):			
Area 1 (15)	Oct. 15–Nov. 27 &	20	60
	Dec. 10–Jan. 29 &	20	60
	Feb. 11–Feb. 21	20	60
Area 2 Inland (16)	Same as for Canada and Cackling Geese	20	60
Area 2 Coast (16)	Same as for Canada and Cackling Geese	20	60
Area 3 (15)	Same as for Canada and Cackling Geese	20	60
Area 4 (15)	Nov. 5–Jan. 29 &	20	60
	Feb. 11–Mar. 1	20	60
Area 5 (15)	Oct. 15–Oct. 31 &	20	60
	Nov. 5–Jan. 29	20	60
Brant (19):			
Coastal Zone	Jan.7–Jan. 29	2	6
Puget Sound Zone	Jan. 14–Jan. 29	2	6
Wyoming:			
Ducks:			
Snake River and Balance of State Zones:			
Scaup	Sept. 24–Dec. 18	2	6
Other Ducks	Sept. 24–Jan. 6	7	21
Coots	Same as for Other Ducks	15	45
Dark Geese	Sept. 24–Dec. 29	5	15
Light Geese	Sept. 24–Dec. 29	10	30

(1) In *Arizona,* the daily bag limit may include no more than either 2 female mallards or 2 Mexican ducks, or 1 of each; and no more than 6 female mallards and Mexican ducks, in the aggregate, may be in possession. For black-bellied whistling-ducks, the daily bag limit is 1 and the possession limit is 3.

(2) In *California,* the daily bag and possession limits for Canada geese, cackling geese, and white-fronted geese are in the aggregate.

(3) In *California,* small Canada geese are cackling and Aleutian cackling geese, and large Canada geese are western and lesser Canada geese.

(4) In *California,* in the Northeastern Zone, the daily bag limit may include no more than 2 large Canada geese.

(5) The daily bag and possession limits for Canada and cackling geese and brant are in the aggregate.

(6) In *Montana,* check State regulations for special seasons and exceptions.

(7) In *Nevada,* youth 17 years of age or younger are allowed to hunt on October 22 on the Moapa Valley portion of Overton Wildlife Management Area (WMA). Youth must be accompanied by an adult who is 18 years of age or older.

(8) In *Nevada,* in the Northeast Zone, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties.

(9) In *Nevada,* in the Northwest Zone, the season is closed in Mason Valley and Scripps WMAs and Washoe Lake State Park from February 18 to March 10.

(10) In *Oregon,* in the Northwest Permit Zone, see State regulations for specific dates, times, and conditions of permit hunts and closures.

(11) In *Oregon,* in the Northwest Permit Zone, the season for dusky Canada geese is closed.

(12) In *Oregon,* in Lake County, the daily bag and possession limits for white-fronted geese are 1 and 3, respectively.

(13) In *Washington,* the season for harlequin ducks is closed.

(14) In *Washington,* the daily bag limit in the West Zone may include no more than 2 scoters, 2 long-tailed ducks, and 2 goldeneyes, with the possession limit three times the daily bag limit.

(15) In *Washington,* in Areas 1, 3, and 5, hunting is allowed each day. In Area 4, hunting is allowed only on Saturdays, Sundays, Wednesdays, and certain holidays, except hunting is allowed each day only for light geese during the February and March portion of the season. See State regulations for details, including shooting hours.
(16) In *Washington,* in Areas 2 Inland and 2 Coast, see State regulations for specific dates, times, and conditions of permit hunts and closures.
(17) In *Washington,* in Areas 2 Inland and 2 Coast, the season for dusky Canada geese is closed.
(18) In *Washington,* the daily bag limit for light geese is 10 on or before January 30.
(19) In *Washington,* brant may be hunted in Clallam, Pacific, Skagit, and Watcom Counties only; see State regulations for specific dates.

(f) *Youth and Veteran–Active Military Personnel Waterfowl Hunting Days.*

The following seasons are open only to youth and veteran–active military personnel, except where noted. Youth must be accompanied into the field by an adult 18 years of age or older. This adult cannot duck hunt but may participate in other open seasons.

Limits: Bag limits may include ducks, geese, swans, mergansers, coots, and gallinules. The bag and possession limits are the same as those allowed in the regular season except in States that are allowed a daily bag limit of 1 or 2 scaup during different portions of the season, in which case the daily bag limit is 2 scaup per day and the possession limit is 4 scaup. Flyway species and area restrictions remain in effect.

Definitions

Youth: States may use their established definition of age for youth hunters. However, youth hunters may not be older than 17 years of age. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Swans may be taken only by participants possessing applicable swan permits.

Veteran–Active Military Personnel: Veterans (as defined in section 101 of title 38, U.S. Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Swans may be taken only by participants possessing applicable swan permits.

Area	Species	Season dates
	ATLANTIC FLYWAY	
Connecticut (1)	Ducks, geese, mergansers, and coots	Oct. 1 & Nov. 5.
Delaware (1)	Ducks, geese, mergansers, coots, and tundra swans (swans Feb 4th only)	Oct. 15 & Feb. 4.
Florida	Ducks, Canada geese, light geese, mergansers, coots, and gallinules	
Youth		Nov. 12 & Feb. 11.
Veteran–Active Military Personnel		Feb. 4 & 5.
Georgia	Ducks, Canada and cackling geese, white-fronted geese, mergansers, coots, and gallinules.	Nov. 12 & 13.
Maine (1):	Ducks, geese, mergansers, and coots	
North Zone		Sept. 17 & Dec. 10.
South Zone		Sept. 24 & Oct. 22.
Coastal Zone		Sept. 24 & Oct. 29.
Maryland (2)(3)	Ducks, geese, mergansers, and coots	Nov. 5 & Feb. 4.
Massachusetts:	Ducks, Canada and cackling geese, light geese, mergansers, and coots	
Youth Hunters		Oct. 8 & Feb. 4.
Veteran–Active Military Personnel		Oct. 8 & Feb. 4.
New Hampshire (1)	Ducks, Canada and cackling geese, brant, mergansers, and coots	Sept. 24 & 25.
New Jersey:	Ducks, geese, mergansers, coots, and gallinules	
Youth:		
North Zone		Oct. 8 & Feb. 4.
South Zone		Oct. 15 & Feb. 4.
Coastal Zone		Oct. 29 & Feb. 4.
Veteran–Active Military Personnel		Nov. 5 & Feb. 4.
New York:	Ducks, Canada and cackling geese, brant, mergansers, coots	
Youth:		
Long Island Zone		Nov. 5 & 6.
Lake Champlain Zone		Sept. 24 & 25.
Northeastern Zone		Sept. 17 & 18.
Southeastern Zone		Sept. 24 & 25.
Western Zone		Oct. 1 & 2.
Veteran–Active Military Personnel:		
Long Island Zone		Nov. 12 & 13.
Northeastern Zone		Sept. 17 & 18.
Southeastern Zone		Oct. 8 & 9.
Western Zone		Nov. 11 & 12.
North Carolina (4)(5)	Ducks, geese, brant, tundra swans, mergansers, and coots	Feb. 4 & 11.
Pennsylvania (6):	Ducks, dark geese, brant, mergansers, coots, and gallinules	
Youth:		
North Zone		Sept. 24 & Nov. 5.
South Zone		Sept. 24 & Nov. 12.
Northwest Zone		Sept. 24 & Dec. 17.
Lake Erie Zone		Sept. 24 & Oct. 22.
Veteran–Active Military Personnel:		
North Zone		Nov. 5 & Jan. 14.
South Zone		Nov. 12 & Jan. 28.
Northwest Zone		Dec. 17 & Jan. 14.
Lake Erie Zone		Oct. 22 & Jan. 14.
Rhode Island (1)	Ducks, geese, mergansers, and coots	Oct. 29 & 30.

Area	Species	Season dates
South Carolina	Ducks, geese, mergansers, and coots	Feb. 4 & 11.
Vermont (1)	Ducks, geese, mergansers, and coots	Sept. 24 & 25.
Virginia (5)	Ducks, dark geese, tundra swans, mergansers, and coots	Oct. 22 & Feb. 4.
West Virginia (1)	Ducks, geese, mergansers, coots, and gallinules	Sept. 17 & Nov. 5.
	MISSISSIPPI FLYWAY	
Alabama	Ducks, geese, mergansers, coots, and gallinules	Nov. 19 & Feb. 4.
Arkansas	Ducks, geese, mergansers, coots, and gallinules	Dec. 3 & Feb. 4.
Illinois (1):	Ducks, geese, mergansers, coots, and gallinules.	
North Zone		Oct. 15 & 16.
Central Zone		Oct. 22 & 23.
South Central Zone		Nov. 5 & 6.
South Zone		Nov. 26 & 27.
Indiana:	Ducks, geese, mergansers, and coots.	
North Zone		Oct. 15 & 16.
Central Zone		Oct. 22 & 23.
South Zone		Oct. 29 & 30.
Iowa (1):	Ducks, geese, mergansers, and coots.	
North Zone		Sept. 24 & 25.
Central Zone		Oct. 1 & 2.
South Zone		Oct. 8 & 9.
Kentucky:	Ducks, geese, mergansers, coots, and gallinules.	
Youth		Nov. 19 & Feb. 11.
Veteran–Active Military Personnel		Nov. 20 & Feb. 12.
Louisiana:	Ducks, geese, mergansers, coots, and gallinules.	
East Zone		Nov. 12 & Feb. 4.
West Zone		Nov. 5 & 6.
Michigan	Ducks, geese, mergansers, coots, and gallinules	Sept. 17 & 18.
Minnesota (1)	Ducks, geese, mergansers, coots, and gallinules	Sept. 10 & 11.
Mississippi	Ducks, geese, mergansers, coots, and gallinules	Feb. 4 & 5.
Missouri (1):	Ducks, geese, mergansers, and coots	
North Zone		Oct. 22 & 23.
Middle Zone		Oct. 22 & 23.
South Zone		Nov. 19 & 20.
Ohio:	Ducks, geese, mergansers, coots, and gallinules	Oct. 1 & 2.
Tennessee:		
Youth	Ducks, geese, mergansers, coots, and gallinules	Feb. 4 & 11.
Veteran–Active Military Personnel	Ducks, geese, mergansers, and coots	Feb. 5 & 12.
Wisconsin (1)	Ducks, geese, mergansers, coots, and gallinules	Sept. 17 & 18.
	CENTRAL FLYWAY	
Colorado:	Ducks, dark geese, mergansers, and coots.	
Mountain/Foothills Zone		Sept. 24 & 25.
Northeast Zone		Oct. 1 & 2.
Southeast Zone		Oct. 22 & 23.
Kansas (7):	Ducks, geese, mergansers, and coots.	
High Plains		Oct. 1 & 2.
Low Plains:		
Early Zone		Oct. 1 & 2.
Late Zone		Oct. 22 & 23.
Southeast Zone		Oct. 29 & 30.
Montana (1)	Ducks, geese, mergansers, and coots	Sept. 24 & 25.
Nebraska (1)(8):	Ducks, geese, mergansers, and coots.	
Zone 1		Oct. 8 & 9.
Zone 2		Sept. 24 & 25.
Zone 3		Oct. 15 & 16.
Zone 4		Oct. 15 & 16.
New Mexico (1):	Ducks, mergansers, coots, and gallinules.	
North Zone		Sept. 24 & 25.
South Zone		Oct. 1 & 2.
North Dakota	Ducks, geese, mergansers, and coots.	Sept. 17 & 18.
Oklahoma:	Ducks, geese, mergansers, and coots.	
High Plains		Oct. 1 & Feb. 4.
Low Plains:		
Zone 1		Nov. 5 & Feb. 4.
Zone 2		Nov. 5 & Feb. 4.
South Dakota (1)(8)	Ducks, Canada and cackling geese, mergansers, and coots	Sept. 10 & 11.
Texas:	Ducks, geese, mergansers, coots, and gallinules	
High Plains		Oct. 22 & 23.
Low Plains:		
North Zone		Nov. 5 & 6.
South Zone		Oct. 29 & Oct. 30.

Area	Species	Season dates
Wyoming:	Ducks, geese, mergansers, and coots.	
Zone C1		Sept. 24 & 25.
Zone C2		Sept. 17 & 18.
Zone C3		Sept. 17 & 18.
PACIFIC FLYWAY		
Arizona (1):	Ducks, geese, mergansers, coots, and gallinules.	
North Zone		Oct. 1 & 2.
South Zone		Feb. 11 & 12.
California:		
Youth	Ducks, geese, brant, mergansers, coots, and gallinules.	
Northeastern Zone		Sept. 17 & 18.
Colorado River Zone		Feb. 4 & 5.
Southern Zone		Feb. 4 & 5.
Southern San Joaquin Valley Zone.		Feb. 4 & 5.
Balance of State Zone		Feb. 4 & 5.
Veteran–Active Military Personnel	Ducks, brant, mergansers, coots, and gallinules.	
Northeastern Zone		Jan. 14 & 15.
Southern Zone		Feb. 11 & 12.
Southern San Joaquin Valley Zone.		Feb. 11 & 12.
Balance of State Zone		Feb. 11 & 12.
Colorado:	Ducks, geese, mergansers, and coots.	
East Zone		Sept. 24 & 25.
West Zone		Oct. 22 & 23.
Idaho	Ducks, geese, mergansers, and coots	Sept. 24 & 25.
Montana (1)	Ducks, geese, mergansers, and coots	Sept. 24 & 25.
Nevada (1)(5):	Ducks, geese, swans, mergansers, coots, and gallinules.	
Northeast Zone		Sept. 17 & 18.
Northwest Zone		Oct. 1 & Feb. 11.
South Zone		Feb. 11 & 12.
New Mexico (1)	Ducks, mergansers, coots, and gallinules	Oct. 8 & 9.
Oregon	Ducks, geese, mergansers, and coots.	
Youth		Sept. 24 & 25.
Veteran–Active Military Personnel		Feb. 4.
Utah (1)(5):	Ducks, dark geese, swans, mergansers, and coots.	
Northern Zone		Sept. 17.
Southern Zone		Oct. 1.
Washington (9):	Ducks, geese, brant, mergansers, and coots.	
Youth:		
East Zone		Oct. 1 & Feb. 4.
West Zone		Sept. 24 & Feb. 4.
Veteran–Active Military Personnel:		
East Zone		Feb. 4.
West Zone		Feb. 4.
Wyoming	Ducks, geese, mergansers, and coots	Sept. 17 & 18.

(1) The season is open to youth hunters only.
(2) In *Maryland,* youth hunter(s) must be accompanied by an adult 21 years of age or older that holds a valid Maryland hunting license or is exempt from the hunting license requirements. One adult may take one or more young hunters, and that adult may call waterfowl, assist with decoys and retrieve downed birds but may not possess a hunting weapon and may not participate in other seasons that are open on the youth waterfowl hunting days. Active military and honorably discharged veterans, of any age, that possess a valid Maryland hunting license or are exempt from the hunting license requirements may also hunt waterfowl on November 6, 2022, and February 4, 2023. Active military and honorably discharged veterans at least 21 years of age or older may possess hunting weapons and hunt while also providing assistance to eligible youth hunters.
(3) In *Maryland,* the bag limit for Canada and cackling geese is 1 in the AP Zone and 5 in the RP Zone.
(4) In *North Carolina,* a permit is no longer required to hunt Canada geese or white-fronted geese in the Northeast Zone.
(5) In *North Carolina, Virginia, Nevada,* and *Utah,* the daily bag limit may not include swans except by permit.
(6) In *Pennsylvania,* the second youth day in each duck zone is open to youth, veterans, and active-duty military.
(7) In *Kansas,* youth 17 years of age and under may participate in the youth waterfowl hunting days.
(8) In *Nebraska and South Dakota,* Tier II license holders may take 3 ducks or mergansers of any species in aggregate, and the possession limit is 9.
(9) In *Washington,* the brant season and light goose season is closed in September.

■ 7. Section 20.106 is revised to read as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the

time of issuance is authorized to take sandhill cranes at the level allowed by the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Area	Season dates	Limits	
		Bag	Possession
MISSISSIPPI FLYWAY			
Alabama (1)(2)			
North Zone	Dec. 3–Jan. 31	3 per season.	
Kentucky (1)(2)	Dec. 7–Jan. 31	2	3 per season.
Minnesota (1)			
NW Zone	Sept. 17–Oct. 23	2	6.
Tennessee (1)(4):			
Southeast Zone	Dec. 3–Jan. 31	2 per season.	
Rest of State	Dec. 3–Jan. 31	2 per season.	
CENTRAL FLYWAY			
Colorado (1)	Oct. 1–Nov. 27	3	9.
Kansas (1)(2)(3)			
West Zone	Oct. 15–Dec. 11	3	9.
Central Zone	Nov. 9–Jan. 5	3	9.
Montana:			
Regular Season Area (1)	Oct. 1–Nov. 27	3	9.
Special Season Area (4)	Sept. 1–Oct. 30	2 per season.	
New Mexico:			
Regular Season Area (1)	Oct. 29–Jan. 29	3	6.
Middle Rio Grande (4)(5)	1a–Nov. 19	3 per season.	
Valley Area	1b–Nov. 12–Nov. 13	3	6 per season.
	2a–Nov. 26–Nov. 27	3	6 per season.
	2b–Dec. 10–Dec. 11	3	6 per season.
	3a–Jan. 7–Jan. 8	3	6 per season.
	3b–Jan. 14–Jan. 15	3	6 per season.
Southwest Area (4)	Oct. 29–Nov. 6 &	3	6 per season.
	Jan. 7–Jan. 8	3	6 per season.
Estancia Valley (4)(6)	Oct. 29–Nov. 6	3	6.
North Dakota (1):			
Area 1	Sept. 17–Nov. 13	3	9.
Area 2	Sept. 17–Nov. 13	2	6.
Oklahoma (1)	Oct. 22–Jan. 22	3	9.
South Dakota (1)	Sept. 24–Nov. 20	3	9.
Texas (1):			
Zone A	Oct. 29–Jan. 29	3	9.
Zone B	Nov. 25–Jan. 29	3	9.
Zone C	Dec. 17–Jan. 22	2	6.
Wyoming:			
Regular Season (Area 7) (1)	Sept. 10–Nov. 6	3	9.
Riverton-Boysen Unit (Area 4) (4)	Oct. 1–Oct. 23	1 per season.	
Big Horn, Hot Springs, Park, and Washakie Counties (Area 6) (4).	Sept. 17–Oct. 9	1 per season.	
Johnson, Natrona, and Sheridan Counties (Area 8) (4).	Sept. 1–Sept. 30	1 per season.	
PACIFIC FLYWAY			
Arizona (4):			
Zone 1 (7)	Nov. 11–Dec. 18	3 per season.	
Zone 2 (8)	Dec. 8–Dec. 14	3 per season.	
Zone 3 (9)	Nov. 26–Dec. 18	3 per season.	
Idaho (4):			
Areas 1, 3, 4, 5, & 6	Sept. 1–Sept. 30	2 per season.	

Area	Season dates	Limits	
		Bag	Possession
Area 2	Sept. 1–Sept. 15	2 per season.	
Montana (4):			
Zones 1 & 5	Sept. 1–Oct. 30	1 per season.	
Zones 2, 3 & 4	Sept. 1–Oct. 30	2 per season.	
Utah (4):			
Cache County	Sept. 3–Sept. 11	1 per season.	
East Box Elder County	Sept. 3–Nov. 1	1 per season.	
Rich County	Sept. 3–Sept. 11	1 per season.	
Uintah Basin Zone	Oct. 1–Nov. 29	1 per season.	
Wyoming (4):			
Areas 1, 2, 3, & 5	Sept. 1–Sept. 8	1 per season.	

(1) Each person participating in the regular sandhill crane seasons must have a valid sandhill crane hunting permit and/or a State-issued Harvest Information Survey Program (HIP) certification for game bird hunting in their possession while hunting.
(2) In *Alabama, Kansas,* and *Kentucky,* shooting hours are from sunrise to sunset.
(3) In *Kansas,* each person desiring to hunt sandhill cranes is required to pass an annual, online sandhill crane identification examination.
(4) Hunting is by State permit only. See State regulations for further information.
(5) In *New Mexico,* in the Middle Rio Grande Valley Area (Bernardo and Casa Colorado Wildlife Management Areas), the season is only open for youth hunters on November 20. See State regulations for further details.
(6) In *New Mexico,* in the Estancia Valley Area, the season will be closed to crane hunting on November 3.
(7) In *Arizona,* in Zone 1, season dates are November 11 to 13, November 18 to 20, November 22 to 24, November 26 to 28, November 30 to December 2, December 4 to 6, December 9 to 11, and December 16 to 18. November 11 to 13 is restricted to archery hunters only, and December 9 to 11 is restricted to youth hunters only.
(8) In *Arizona,* in Zone 2, season dates are December 8 to 10 and December 12 to 14.
(9) In *Arizona,* in Zone 3, season dates are November 26 to 28, November 30 to December 2, December 4 to 6, December 8 to 10, December 12 to 14, and December 16 to 18.

■ 8. Section 20.107 is revised to read as follows:

§ 20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take swans at the level allowed by the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

Area	Season dates	Limits
ATLANTIC FLYWAY		
Delaware	Nov. 11–Jan. 31	1 tundra swan per permit.
North Carolina	Nov. 5–Jan. 31	1 tundra swan per permit.
Virginia	Nov. 16–Jan. 31	1 tundra swan per permit.
CENTRAL FLYWAY (1)		
Montana (2)	Oct. 1–Jan. 5	1 swan per permit.
North Dakota	Oct. 1–Dec. 30	1 tundra swan per permit.
South Dakota	Oct. 1–Jan. 6	1 swan per permit.
PACIFIC FLYWAY (1)		
Idaho (2)	Oct. 1–Dec. 1	1 swan per season.
Montana (2)	Oct. 8–Dec. 1	1 swan per season.
Nevada (3)(4)	Oct. 15–Jan. 8 &	2 swans per season.
	Jan. 11–Jan. 29	2 swans per season.
Utah (3)(4)	Oct. 1–Dec. 11	1 swan per season.

(1) See State regulations for description of area open to swan hunting.
(2) In *Idaho* and *Montana,* all harvested swans must be reported by way of a bill measurement card within 3 days of harvest.

(3) In *Nevada* and *Utah,* all harvested swans and tags must be checked or registered within 3 days of harvest.
(4) Harvests of trumpeter swans are limited to 20 in Utah and 10 in Nevada. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

■ 9. Section 20.109 is revised to read as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations.

Area descriptions were published in the July 15, 2022, **Federal Register** (87 FR 42598).

Limits: The daily bag limit may include no more than 3 migratory game birds in the aggregate. The possession limit is three times the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons, unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

Area	Extended falconry dates
ATLANTIC FLYWAY	
Delaware:	
Doves	Feb. 1–Feb. 20.
Rails	Nov. 25–Jan. 6.
Woodcock	Oct. 1–Nov. 3 & Feb. 1–Mar. 10.
Ducks, mergansers, and coots	Feb. 1–Mar. 7.
Brant	Feb. 1–Feb. 24.
Florida:	
Doves	Feb. 1–Feb. 17.
Rails	Nov. 10–Dec. 16.
Woodcock	Nov. 24–Dec. 17 & Feb. 1–Mar. 10.
Gallinules	Nov. 10–Dec. 13.
Ducks, mergansers, and coots	Nov. 3–Nov. 12 & Feb. 6–Mar. 2.
Georgia:	
Ducks, Canada and cackling geese, white-fronted geese, brant, and gallinules.	Nov. 28–Dec. 3.
Maine:	
Ducks, geese, and brant:	
North Zone	Dec. 17–Feb. 7.
South & Coastal Zones	Jan. 9–Mar. 1.
Maryland:	
Doves	Jan. 12–Jan. 31.
Rails	Nov. 23–Jan. 4.
Woodcock	Oct. 1–Oct. 24 & Feb. 1–Mar. 10.
Ducks	Feb. 1–Mar. 10.
Brant	Feb. 1–Mar. 10.
Light Geese	Feb. 23–Mar. 10.
Massachusetts:	
Ducks, mergansers, and coots	Oct. 1–Oct. 9 & Feb. 1–Feb. 2.
New Hampshire:	
Ducks, mergansers, and coots:	
Northern Zone	Dec. 1–Jan. 14.
Inland Zone	Nov. 7–Nov. 22 & Dec. 19–Jan. 16.
Coastal Zone	Jan. 25–Mar. 10.
New Jersey:	
Woodcock:	
North Zone	Oct. 1–Oct. 14 & Nov. 28–Jan. 31.
South Zone	Oct. 1–Nov. 11 & Dec. 5–Dec. 14 & Jan. 4–Jan. 31.
Ducks, mergansers, coots, and brant:	
North Zone	Jan. 18–Mar. 10.
South Zone	Jan. 20–Mar. 10.

Area	Extended falconry dates
Coastal Zone	Jan. 30–Mar. 10.
New York:	
Ducks, mergansers, and coots:	
Long Island Zone	Nov. 1–Nov. 18 & Nov. 28–Dec. 9 & Jan. 30–Feb. 13.
Northeastern Zone	Oct. 24–Oct. 28 & Dec. 5–Jan. 13.
Southeastern Zone	Oct. 1–Oct. 14 & Nov. 28–Dec. 2 & Dec. 19–Jan. 13.
Western Zone	Oct. 1–Oct. 14 & Nov. 9–Nov. 25 & Jan. 2–Jan. 13.
North Carolina:	
Doves	Oct. 3–Oct. 15.
Rails and gallinules	Dec. 10–Jan. 14.
Woodcock	Dec. 1–Dec. 10 & Feb. 1–Feb. 25.
Ducks, mergansers, and coots	Oct. 3–Oct. 15 & Feb. 1–Feb. 11.
Pennsylvania:	
Doves	Nov. 26–Dec. 15.
Rails	Nov. 22–Jan. 3.
Woodcock and snipe	Sept. 1–Oct. 14 & Nov. 26–Dec. 10 & Dec. 22–Jan. 3.
Gallinules	Nov. 22–Dec. 31.
Ducks, mergansers, and coots:	
North Zone	Oct. 24–Nov. 14 & Feb. 9–Mar. 10.
South Zone	Oct. 17–Nov. 21 & Feb. 23–Mar. 10.
Northwest Zone	Dec. 5–Dec. 26 & Feb. 9–Mar. 10.
Lake Erie Zone	Jan. 19–Mar. 10.
Canada, cackling, and white-fronted geese:	
AP Zone	Jan. 7–Mar. 10.
RP Zone	Mar. 6–Mar. 10.
South Carolina:	
Ducks, mergansers, and coots	Nov. 1–Nov. 18 & Dec. 1–Dec. 11.
Virginia:	
Doves	Jan. 22–Jan. 31.
Rails, gallinules	Nov. 18–Dec. 24.
Woodcock	Oct. 17–Nov. 10 & Dec. 4–Dec. 26 & Jan. 18–Jan. 31.
Ducks, mergansers, and coots	Nov. 28–Dec. 16 & Jan. 30–Feb. 10.
Canada, cackling, and white-fronted geese:	
Eastern (AP) Zone	Nov. 16–Nov. 27 & Jan. 2–Jan. 13 & Jan. 30–Feb. 22.
Western (SJBP) Zone	Feb. 16–Feb. 22.
Brant	Oct. 17–Nov. 21 & Nov. 28–Dec. 16 & Jan. 30–Jan. 31.
MISSISSIPPI FLYWAY	
Arkansas:	
Ducks, mergansers, and coots	Feb. 1–Feb. 15.
Illinois:	
Doves	Nov. 15–Dec. 1.
Rails	Sept. 1–Sept. 9 & Nov. 19–Dec. 16.
Woodcock	Sept. 1–Oct. 14 & Nov. 29–Dec. 16.
Ducks, mergansers, and coots	Feb. 10–Mar. 10.
Indiana:	
Doves	Oct. 17–Oct. 31 & Jan. 7–Jan. 8.
Woodcock	Sept. 20–Oct. 14 &

Area	Extended falconry dates
	Nov. 29–Jan. 4.
Ducks, mergansers, and coots:	
North Zone	Sept. 27–Sept. 30 & Feb. 14–Mar. 10.
Central Zone	Oct. 22–Oct. 28 & Feb. 17–Mar. 10.
South Zone	Oct. 29–Nov. 4 & Feb. 17–Mar. 10.
Iowa:	
Ducks, mergansers, and coots	Jan. 7–Feb. 4.
Kentucky:	
Ducks, mergansers, and coots	Nov. 28–Dec. 6 & Feb. 1–Feb. 15.
Louisiana:	
Doves	Sept. 15–Oct. 1.
Rails and gallinules	Nov. 3–Nov. 11 & Jan. 5–Jan. 31.
Woodcock	Nov. 3–Dec. 17.
Ducks:	
East Zone	Nov. 3–Nov. 18 & Dec. 5–Dec. 16 & Jan. 30–Jan. 31.
West Zone	Nov. 3–Nov. 11 & Dec. 5–Dec. 16 & Jan. 30–Jan. 31.
Michigan:	
Ducks, mergansers, coots, and gallinules	Jan. 2–Jan. 15 & Feb. 24–Mar. 10.
Minnesota:	
Doves	Nov. 30–Dec. 16.
Rails and snipe	Nov. 8–Dec. 16.
Woodcock	Sept. 1–Sept. 23 & Nov. 8–Dec. 16.
Ducks, mergansers, coots, and gallinules	Dec. 10–Jan. 23.
Mississippi:	
Doves	Dec. 2–Dec. 18.
Ducks, mergansers, and coots	Feb. 1–Mar. 1.
Missouri:	
Doves	Nov. 30–Dec. 16.
Ducks, mergansers, and coots	Sept. 10–Sept. 25 & Feb. 10–Mar. 10.
Tennessee:	
Doves	Sept. 29–Sept. 30 & Jan. 16–Jan. 30.
Rails	Nov. 10–Dec. 14.
Woodcock	Nov. 1–Nov. 11 & Dec. 5–Jan. 9 & Feb. 1–Feb. 15.
Snipe	Nov. 14–Feb. 28.
Gallinules	Nov. 10–Dec. 12.
Ducks, mergansers, and coots:	
Reelfoot Zone	Nov. 28–Dec. 4 & Feb. 1–Feb. 27.
Remainder of the State	Nov. 28–Dec. 4 & Feb. 1–Feb. 10 & Feb. 13–Feb. 28.
Wisconsin:	
Rails, snipe, and gallinules:	
North Zone	Sept. 1–Sept. 23 & Nov. 23–Dec. 4.
South Zone	Sept. 1–Sept. 30 & Oct. 10–Oct. 14.
Open Water Zone	Same as South Zone.
Woodcock	Sept. 1–Sept. 23 & Nov. 8–Dec. 16.
Ducks, mergansers, and coots	Sept. 17–Sept. 18 & Jan. 13–Feb. 17.
CENTRAL FLYWAY	
Kansas:	
Ducks, mergansers, and coots:	
Low Plains: Early Zone	Feb. 24–Mar. 10.
Low Plains: Late Zone	Feb. 24–Mar. 10.

Area	Extended falconry dates
Southeast Zone	Feb. 24–Mar. 10.
Montana (1):	
Ducks, mergansers, and coots:	
Zone 1	Sept. 22–Oct. 1.
Zone 2	Sept. 22–Oct. 1.
Nebraska:	
Ducks, mergansers, and coots:	
Zone 1	Feb. 25–Mar. 10.
Zone 2	Feb. 25–Mar. 10.
Zone 3	Closed.
Zone 4	Feb. 25–Mar. 10.
New Mexico:	
Doves:	
North Zone	Nov. 30–Dec. 4 & Dec. 21–Jan. 1.
South Zone	Oct. 29–Nov. 5 & Nov. 22–Nov. 30.
Band-tailed pigeons:	
North Zone	Sept. 1–Sept. 14.
South Zone	Oct. 1–Oct. 14.
Ducks and coots	Sept. 10–Sept. 18.
Sandhill cranes (2):	
	Oct. 15–Oct. 28.
	Nov. 7–Dec. 27.
Gallinules	Nov. 19–Dec. 25.
Sora and Virginia rails	Nov. 19–Dec. 25.
North Dakota:	
Ducks, mergansers, coots, and snipe	Sept. 1–Sept. 2 & Sept. 5–Sept. 9.
Oklahoma:	
Doves	Feb. 18–Mar. 6.
Ducks, mergansers, and coots:	
Low Plains Zones 1 and 2	Feb. 13–Feb. 27.
Gallinules and rails	Feb. 1–Mar. 9.
Woodcock	Dec. 14–Feb. 13.
Sandhill cranes	Jan. 23–Feb. 5.
South Dakota:	
Ducks, mergansers, and coots:	
High Plains	Sept. 1–Sept. 8.
Low Plains:	
North Zone	Sept. 1–Sept. 23 & Dec. 10–Dec. 17.
Middle Zone	Sept. 1–Sept. 23 & Dec. 10–Dec. 17.
South Zone	Oct. 1–Oct. 20 & Jan. 7–Jan. 17.
Texas (3):	
Doves	Nov. 18–Dec. 4.
Rails, gallinules, and woodcock	Jan. 30–Feb. 13.
Ducks, mergansers, and coots:	
Low Plains—North and South Zones	Jan. 30–Feb. 13.
Wyoming:	
Doves	Nov. 30–Dec. 16.
Rails	Nov. 10–Dec. 16.
Ducks, mergansers, and coots:	
Zone C1	Sept. 24–Sept. 25 & Oct. 19–Oct. 26.
Zone C2	Sept. 17–Sept. 23 & Dec. 5–Dec. 7.
Zone C3	Same as Zone C2.
PACIFIC FLYWAY	
Arizona:	
Doves	Sept. 16–Nov. 1.
Ducks, mergansers, coots, and gallinules:	
North Zone	Oct. 3–Oct. 6.
South Zone	Feb. 1–Feb. 4.
Idaho:	
Doves	Jan. 23–Mar. 10.
California:	
Ducks, mergansers, coots, and gallinules:	
Colorado River Zone	Feb. 1–Feb. 4.
Southern Zone	Feb. 25.

Area	Extended falconry dates
Southern San Joaquin Valley Zone	Feb. 25.
Balance of State Zone	Feb. 25.
Canada geese, cackling geese, and white-fronted geese:	
Southern Zone (4)	Feb. 25.
Light geese:	
Southern Zone (4)	Feb. 25.
New Mexico:	
Doves:	
North Zone	Nov. 30–Dec. 4 & Dec. 21–Jan. 1.
South Zone	Oct. 29–Nov. 5 & Nov. 22–Nov. 30.
Oregon:	
Doves:	
Zone 1	Oct. 1–Nov. 14 & Dec. 15–Dec. 16.
Zone 2	Oct. 31–Dec. 16.
Band-tailed pigeons (5)	Sept. 1–Sept. 14 & Sept. 24–Dec. 16.
Utah:	
Doves	Oct. 31–Dec. 16.
Band-tailed pigeons	Oct. 31–Dec. 16.
Washington:	
Doves	Oct. 31–Dec. 16.
Ducks, mergansers, coots, and dark geese:	
East Zone	Oct. 1 & Feb. 4.
West Zone	Sept. 24 & Feb. 4.
Light geese and brant	Feb. 4.
Wyoming:	
Doves	Nov. 30–Dec. 16.
Sora and Virginia rails	Nov. 10–Dec. 16.
Ducks, mergansers, and coots	Sept. 17–Sept. 18.

(1) In *Montana,* the limits are 2 daily and 6 in possession.
(2) In *New Mexico,* the limits for sandhill cranes are 3 daily and 6 in possession.
(3) In *Texas,* shooting hours/hawking hours: ½ hour before sunrise until sunset except as otherwise restricted by State regulations.
(4) In *California,* in the Imperial County Special Management Area, there is no extended falconry season.
(5) In *Oregon,* no more than 1 pigeon daily in bag or possession.

[FR Doc. 2022–17698 Filed 8–18–22; 8:45 am]
BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220223–0054]

RTID 0648–XC265

Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from vessels using jig gear, trawl catcher vessels, and catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line gear to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2022 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective August 16, 2022, through 2400 hours, Alaska local time (A.l.t.), December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

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

The 2022 Pacific cod TAC specified for vessels using jig gear in the BSAI is 804 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022) and reallocation (87 FR 18289, March 30, 2022).

The 2022 Pacific cod TAC specified for trawl catcher vessels in the BSAI is 29,655 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022).

The 2022 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear in the BSAI is 267 mt as established by the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022) and reallocation (87 FR 18289, March 30, 2022).

The 2022 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 3,746 mt as established by final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022) and reallocation (87 FR 18289, March 30, 2022).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 705 mt of the 2022

Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*), trawl catcher vessels will not be able to harvest 800 mt of the 2022 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*9*), and catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear will not be able to harvest 267 mt of the 2022 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*3*).

Therefore, in accordance with § 679.20(a)(7)(iv)(C), NMFS apportions 705 mt of Pacific cod from the jig vessels to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. Also, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates 800 mt from trawl catcher vessels, and 267 mt from the catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The harvest specifications for 2022 Pacific cod included in final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022) and reallocation (87 FR 18289, March 30, 2022) is revised as follows: 99 mt to vessels using jig gear, 28,855 mt to trawl catcher vessels, 0 mt to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear, and 5,518 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the originally specified apportionment of the Pacific cod TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 15, 2022.

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

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

Dated: August 16, 2022.

Kelly Denit,

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

[FR Doc. 2022–17926 Filed 8–16–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 160
Friday, August 19, 2022

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Doc. No. AMS–SC–22–0040]

Pistachios Grown in California, Arizona, and New Mexico; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible pistachio producers to determine whether they favor continuance of the marketing order regulating the handling of pistachios grown in California, Arizona, and New Mexico.

DATES: The referendum will be conducted from October 31 through November 18, 2022. To vote in this referendum, producers must have produced pistachios within the designated production area during the period September 1, 2021, through August 31, 2022.

ADDRESSES: Copies of the marketing order may be obtained from the office of the referendum agents at 2202 Monterey Street, Suite 102B, Fresno, California 93721–3129; Telephone: (559) 538–1670; or the Office of the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; or on the internet *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Peter R. Sommers or Gary D. Olson, Western Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721–3129; Telephone: (559) 538–1670, or Email: *PeterR.Sommers@usda.gov* or *GaryD.Olson@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 983, as amended (7 CFR part 983), hereinafter referred to as the ''Order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by the producers. The referendum shall be conducted from October 31 to November 18, 2022, among eligible pistachio producers in the production area. Only pistachio producers, who were engaged in the production of pistachios during the period of September 1, 2021, through August 31, 2022, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor continuation of marketing order programs. The Order will be deemed as favored by the producers if at least two-thirds of producers voting in the referendum, or producers of at least two-thirds of the volume represented in the referendum, approve its continuance. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information regarding the operation of the Order and the relative benefits and disadvantages to producers, handlers, and consumers in order to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballots used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0215 Pistachios Grown in California, Arizona, and New Mexico. It has been estimated that it will take an average of 20 minutes for each of the approximately 1,624 producers of California, Arizona, and New Mexico pistachios to cast a ballot. Participation is voluntary. Ballots postmarked after November 18, 2022, will not be included in the vote tabulation.

Peter R. Sommers and Gary D. Olson of the Western Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR part 900.400–900.407).

Ballots will be mailed to all producers of record and may also be obtained from the referendum agents or their appointees.

List of Subjects in 7 CFR Part 983

Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–17825 Filed 8–18–22; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0325; FRL–10118–01–R3]

Air Plan Approval; Maryland; Clean Data Determination and Approval of Select Attainment Plan Elements for the Anne Arundel County and Baltimore County, Maryland Sulfur Dioxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Anne Arundel County and Baltimore County, Maryland sulfur dioxide (SO_2) nonattainment area has attained the 2010 primary SO_2 national ambient air quality standard (2010 SO_2 NAAQS). In designated nonattainment areas where air quality data demonstrate that the NAAQS have been attained, EPA interprets certain requirements of the Clean Air Act (CAA) as no longer applicable for so long as air quality continues to meet the standard. Under this Clean Data Policy, EPA may issue a determination of attainment, known as a clean data determination (CDD), that

a nonattainment area is attaining the relevant NAAQS. If finalized, this proposed CDD would suspend the obligation to submit certain attainment planning requirements for the nonattainment area for as long as the area continues to attain the 2010 SO_2 NAAQS.

EPA is also simultaneously proposing to approve certain elements of the attainment plan contained in Maryland's state implementation plan (SIP) revision for the Anne Arundel County and Baltimore County SO_2 nonattainment area (referred to hereafter as the Anne Arundel-Baltimore County Area, or simply the Area), submitted to EPA on January 31, 2020. The requirement to submit the elements that EPA is proposing to approve would not be suspended under this proposed CDD, as set forth in EPA's Clean Data Policy, because EPA considers them to be independent of attaining the NAAQS under the CAA. Finally, EPA is approving as SIP strengthening measures certain emission limit requirements on large SO_2 emission sources that were submitted as part of Maryland's attainment plan for the nonattainment area. This determination of attainment and approval of certain elements and emissions limitations into the SIP does not redesignate the Area to attainment or constitute a full approval of the submitted attainment plan or of a maintenance plan. This action is being taken under the CAA.

DATES: Written comments must be received on or before September 19, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0325 at *www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, 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 *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Brian Rehn, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2176. Mr. Rehn can also be reached via electronic mail at *rehn.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we refer to EPA.

I. Background

On June 22, 2010, EPA published in the **Federal Register** a strengthened, primary 1-hour SO_2 NAAQS, establishing a new standard at a level of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations of SO_2.[1] Following promulgation of a new or revised NAAQS, EPA is required to designate all areas of the country area as either ''attainment,'' ''nonattainment,'' or ''unclassifiable.'' CAA section 107(d)(1). On July 12, 2016, EPA published a final rule designating the Anne Arundel-Baltimore County Area as nonattainment for the 2010 SO_2 NAAQS, based on air quality modeling and ambient air monitoring data. 81 FR 45039.

The major SO_2-emitting facilities in this Area at that time were three electrical generating units (EGUs)—Herbert A. Wagner (Wagner), with two coal-fired units, one #6 fuel oil-fired unit and one dual fuel (natural gas and fuel oil) unit; the Brandon Shores Generating Station (Brandon Shores), with two coal-fired units; and the Charles P. Crane Generating Station (Crane), with its two coal-fired units. The other major SO_2 source in the Area is the Wheelabrator Baltimore waste-to-energy incinerator. The nonattainment area is comprised of portions of Anne Arundel and Baltimore Counties that are within 26.8 kilometers of Wagner's Unit 3 stack, which is located at 39.17765 North latitude, 76.52752 West longitude.[2]

The CAA directs states containing an area designated nonattainment for the 2010 SO_2 NAAQS to develop and submit a nonattainment area (NAA) SIP to EPA within 18 months of the effective date of an area's designation as nonattainment. The NAA SIP (also referred to as an attainment plan) must meet the requirements of subparts l and 5 of part D, of Title 1 of the CAA, and provide for attainment of the NAAQS by the applicable statutory attainment date.[3] To be approved by the EPA under section 192(a), these NAA SIPs must provide for attainment of the NAAQS as expeditiously as practicable, but no later than five years from the effective date of designation. The Maryland Department of Environment (MDE) was required to prepare and submit to EPA a NAA SIP by March 12, 2018 to bring the Area into attainment by the attainment date of September 12, 2021. However, Maryland failed to submit a complete attainment plan for the Area by the March 12, 2018 deadline. On September 20, 2019, EPA issued a finding of failure to submit (FFS) regarding the required attainment plan SIP.[4]

The September 20, 2019 FFS resulted in the initiation of an 18-month clock toward imposition of sanctions upon the state under CAA section 179, unless by that date the state has submitted to EPA an SO_2 SIP and EPA has determined it to be complete and notified the state it has corrected the deficiency that gave rise to the FFS.[5] The FFS action also started a two-year clock by which EPA is required under CAA section 110(c) to promulgate a Federal Implementation Plan (FIP) for the area, unless the state submits, and EPA approves, a SIP for the area before that date. Maryland submitted an attainment plan SIP for the Anne Arundel-Baltimore County Area on January 31, 2020. On March 30, 2020, EPA determined Maryland's attainment plan SIP complete under the requirements for completeness under CAA section 110(k), terminating the sanctions clock started by the FFS action. If finalized, this CDD would have the effect of suspending EPA's obligation to promulgate a FIP for the outstanding attainment plan elements that are not being acted on in this document, for so long as the CDD remains in place. The requirement for

[1] On June 2, 2010, EPA signed the final rule titled, ''Primary National Ambient Air Quality Standard for Sulfur Dioxide,'' 75 FR 35520 (June 22, 2010), codified at 40 CFR part 50.

[2] *See* the area's complete boundary description at 40 CFR 81.321. Note that the nonattainment area excludes any portion of Baltimore City that falls within the 26.8-kilometer radius of Herbert A. Wagner Generating Station's Unit 3 stack.

[3] *See* sections 172 and 191–192 of the CAA.

[4] 84 FR 49462 (September 20, 2019).

[5] *See* 40 CFR 52.31(d)(5).

outstanding attainment plan elements and the FIP clock will terminate if EPA redesignates the area to attainment.

Notwithstanding Maryland's submission of a complete attainment plan, EPA proposes to determine, based on evaluation of updated emissions data for the major SO_2 sources in the Area and on more recently available air quality monitoring and supporting air quality modeling data, that the Area is attaining the 2010 SO_2 NAAQS and qualifies for a CDD under EPA's Clean Data Policy.

II. EPA Clean Data Policy and Clean Data Determinations

Following enactment of the CAA Amendments of 1990, EPA discussed its interpretation of the requirements for implementing the NAAQS in the ''General Preamble for the Implementation of title I of the CAA Amendments of 1990'' (General Preamble).[6] In 1995, based on the interpretation of CAA sections 171, 172, and 182 in the General Preamble, EPA set forth what has become known as its ''Clean Data Policy'' for the 1-hour ozone NAAQS.[7] Under the Clean Data Policy, for a nonattainment area that can demonstrate attainment of the standard before implementing CAA nonattainment measures, EPA interprets the requirements of the CAA that are specifically designed to help an area achieve attainment, including attainment demonstrations, implementation of reasonably available control measures, including reasonably available control technology (RACM/RACT), reasonable further progress (RFP) demonstrations, emissions limitations and control measures as necessary to provide for attainment, and contingency measures, to be suspended for so long as air quality continues to meet the standard.[8] EPA's ''2014 Guidance for 1-hour SO_2 Area SIP Submissions'' (2014 SO_2 Nonattainment Area Guidance) provides guidance and EPA's rationale for the application of the existing Clean Data Policy to the 2010 1-hour primary SO_2 NAAQS.[9]

EPA may issue a CDD under our Clean Data Policy when a nonattainment area is attaining the 2010 SO_2 NAAQS based on the most recent available data. EPA will determine whether the area has attained the 2010 SO_2 NAAQS based on available information, including air quality monitoring data and air quality dispersion modeling information for the affected area. If the determination of attainment is issued, then certain attainment plan requirements for the area are suspended for so long as the area continues to attain the NAAQS.

However, the suspension of the obligation to submit an attainment plan is only appropriate where the area remains in attainment of the NAAQS. EPA is proposing to require Maryland to submit annual statements to EPA (due by July 1 of each year after the final CDD), to address whether the Area has continued to attain the 2010 SO_2 NAAQS. EPA expects that these statements would include at least available air quality monitoring data, an assessment of changes in SO_2 emissions from existing or new sources, and discussion of whether these changes warrant updated modeling. If EPA does not receive credible information indicating that the area continues to attain the SO_2 NAAQS, EPA will propose to rescind the Anne Arundel-Baltimore County Area's CDD, the finalization of which would reinstate all outstanding attainment planning requirements that were suspended by the CDD. Therefore, if the area violates the NAAQS in the future and EPA rescinds the CDD, there would no longer be a basis for suspending EPA's FIP obligation, and EPA would have an immediate obligation to promulgate a FIP addressing the outstanding SIP requirements for the Anne Arundel-Baltimore County Area for the SO_2 NAAQS that were the subject of the September 20, 2019 FFS.

A determination of attainment under the Clean Data Policy does not serve to alter the Area's nonattainment designation. CDDs are not redesignations to attainment. For EPA to redesignate an area to attainment the state must submit, and EPA must approve, a redesignation request for the Area that meets the requirements of CAA section 107(d)(3).

III. EPA's Analysis Supporting a Clean Data Determination for the Anne Arundel-Baltimore County Area

EPA may make a CDD for an SO_2 nonattainment area if the most recent three years of air quality monitoring data from a monitor sited in the area of peak ambient SO_2 concentrations show attainment of the NAAQS and any other relevant information, such as dispersion modeling, show the area is meeting the NAAQS. Initial designations for the 2010 SO_2 NAAQS were based on EPA's technical assessment of, and conclusions regarding the weight of evidence for, each area, including but not limited to available air quality monitoring data (for the three most recent calendar years) and/or air quality modeling. In the case of the Anne Arundel-Baltimore County Area, the monitor recording SO_2 concentrations for the most recent 3-year period is not located in the area of peak ambient SO_2 concentrations. Because the monitor is not located in the area of peak expected SO_2 concentrations, both monitoring and modeling would need to show that the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations (which yields the ''design value'') would not violate the 2010 1-hour SO_2 NAAQS level of 75 parts per billion (ppb).

For a CDD where monitors are not located in the area of peak expected SO_2 concentrations, air quality dispersion modeling based upon the most recent three years of actual emissions or based on permitted allowable emissions should show attainment of the 2010 SO_2 NAAQS. In the Anne Arundel-Baltimore County Area, the nearest certified ambient monitors to the primary SO_2 sources are over 15 kilometers (km) from Brandon Shores and Wagner and approximately 9 km from Crane, and neither monitor is close to the expected area of SO_2 peak concentrations resulting from these sources. Similar to the original designation modeling, a more current characterization of emissions using a regulatory dispersion model provides the necessary estimation of source concentrations near the primary SO_2 sources identified in the Anne Arundel-Baltimore County Area.

A. EPA's Analysis of Recent SO_2 Monitoring for the Anne Arundel-Baltimore County Area

EPA's 2014 SO_2 Nonattainment Area Guidance states that ambient monitoring data in support of a CDD should comport with EPA's ''SO_2 NAAQS Designations Source-Oriented Monitoring Technical Assistance

[6] 57 FR 13498, 13564 (April 16, 1992).

[7] EPA's statutory interpretation of the Clean Data Policy is further described in the ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2 (referred to as the Phase 2 Final Rule)'', (70 FR 71612, November 29, 2005). The Tenth, Seventh, and Ninth Circuit U.S. District Courts have upheld EPA rulemakings applying the Clean Data Policy. *See Sierra Club* v. *EPA,* 99 F. 3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir., June 28, 2005) memorandum opinion.

[8] *See* Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled, ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment areas Meeting the Ozone National Ambient Air Quality Standard,'' dated May 10, 1995.

[9] Memorandum from Steve Page, Director of the EPA's Office of Air Quality Planning and Standards, to the EPA Air Division Directors entitled, ''Guidance for 1-hr SO_2 Nonattainment Area SIP Submissions,'' dated April 23, 2014.

Document'' (SO_2 Monitoring TAD).[10] The SO_2 Monitoring TAD was provided by EPA to assist states in siting monitors to characterize ambient air quality impacted by significant SO_2 sources, with the goal of identifying peak SO_2 concentrations attributable to those sources. For a CDD, EPA must determine whether the Area has attained the NAAQS based upon a showing that the three most recent years of ambient monitoring data show attainment, along with ''additional information'' as necessary to determine the area is in attainment. The State and Local Air Monitoring Stations (SLAMS) network (and any other industrial or special purpose monitors used for this purpose) must meet applicable criteria in 40 CFR part 58, appendices A, C, and E and report their data to the Air Quality Subsystem (AQS).

There are two SO_2 monitors in the Anne Arundel-Baltimore County Area. The Essex Monitor, a SLAMS monitor, has not had any 1-hour SO_2 design values exceeding the 1-hour SO_2 NAAQS over the last decade.[11] The Essex Monitor therefore does not show a violation of the NAAQS, with a design concentration higher than 75 ppb not recorded since the period 2007 through 2009. Since then, this monitor has a complete record showing no design values exceeding the NAAQS. Though the Essex Monitor does not show a violation of the NAAQS, it is not sited in the area of peak modeled values for the Area. Table 1 in this document shows the 99th percentile daily maximum 1-hour SO_2 concentrations from 2014 through 2021 at this monitor, along with the calculated design values for each 3-year period and the number of hourly SO_2 concentrations above 75 ppb.

TABLE 1—2014–2021 ESSEX MONITOR SO_2 VALUES FOR THE ANNE ARUNDEL-BALTIMORE COUNTY AREA

Year	99th Percentile daily 1-hour maximum value (ppb)	Design value (ppb)	Number of hourly SO_2 values above 75 ppb (by year)	Valid monitor days (by year)
2014	26.4	22	0	360
2015	17.7	22	0	357
2016	12.9	19	0	355
2017	8.5	13	0	323
2018	12.3	11	0	318
2019	10.5	10	0	351
2020	4.7	9	0	352
2021	5.4	7	0	354

The Essex Monitor design value has been below the 2010 1-hr SO_2 NAAQS since 2012, which was the first year of the 3-year model simulation period used to designate the area, and the Essex Monitor has also had no hourly SO_2 values exceeding the 75 ppb 2010 1-hour SO_2 NAAQS. Over the last three years of available data, 2019 through 2021, the 99th percentile hourly values at the Essex Monitor have fallen to the 5–12 ppb range, with design values of approximately 10 ppb. This shows significant improvement in air quality since 2012 within this portion of the Anne Arundel-Baltimore County Area.

The other monitor in the area is the special purpose Riviera Beach Monitor located in northern Anne Arundel County near the Fort Smallwood Complex. This monitor has a current design value well below the 2010 SO_2 NAAQS, but the monitor's design value data is incomplete.[12] Though only in operation since January 2018, the Riviera Beach Special Purpose Monitor has experienced significant periods of invalid or missing measurements during that time and was discontinued in mid-2022.[13] The Riviera Beach Monitor data is incomplete for 2018, 2019, and 2020, and therefore its data is invalid for the purpose of a CDD.[14] The Essex Monitor's 2019–2021 1-hr SO_2 design value is 7 ppb and Riviera Beach's 2018–2020 1-hr SO_2 design value is 24 ppb, though the Riviera Beach design value is flagged as incomplete.[15] Because the Riviera Beach Monitor has now been discontinued, a more recent design value is not available.

The technical support document (TSD) prepared by EPA for this action contains an analysis of historical 1-hour monitored SO_2 concentrations at the Essex Monitor for the period 2009–2021 and the Riviera Beach Monitor for the period between 2018–2021. The Essex Monitor is shown to have marked reductions in peak 1-hour SO_2 concentrations over time. The Riviera Beach Monitor, which has data over a much smaller time period and significant gaps in data collection, nevertheless had a peak hourly monitored 1-hour value of 63.9 ppb in 2018, and no peak values over 50 ppb since that time.

One potential explanation for recent decreases in the monitored hourly SO_2 concentrations in the Anne Arundel–Baltimore County Area is that the operations of the coal-fired EGUs in the Area are very different now than at the time of EPA's nonattainment designation. Under a consent order between Raven Power and MDE, one of the area's primary SO_2 emission sources (Wagner Unit #2) was permanently

[10] ''SO_2 NAAQS Designations Source-Oriented Monitoring Technical Assistance Document,'' EPA Office of Air and Radiation Office of Air Quality Planning and Standards Air Quality Assessment Division (February 2016, DRAFT).

[11] The Essex Monitor is a State and Local Air Monitoring Station (or SLAMS). The design concentration for the Essex Monitor for the three-year period (2018–2020) is 9 ppb and the 2019–2021 design concentration is 7 ppb, far under the 2010 SO_2 NAAQS.

[12] A special purpose monitor is defined in 40 CFR 58.20 and is limited to 24 months of operation. This monitor has exceeded the operations limits under the special purpose definition because it operated past January 18, 2020. The 2018–20 design concentration for the Riviera Beach Monitor is 24 ppb, well below the 75 ppb 2010 SO_2 NAAQS.

[13] *See* Maryland Department of the Environment Ambient Air Monitoring Network Plan for Calendar Year 2022 (*https://mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/Network.aspx*).

[14] From MDE's 2022 Ambient Air Monitoring Network Plan (page 15) concerning this monitor: ''[I]n 2016, the EPA designated portions of Anne Arundel County and Baltimore County as non-attainment for the 2010 1-hour SO_2 NAAQS. This designation was based on modeled, not monitored, SO_2 concentrations. In order to better evaluate actual ambient SO_2 concentrations, a source oriented SO_2 monitor was established at Riviera Beach Elementary School as a Special Purpose Monitor on January 12, 2018.''

[15] *See* 40 CFR part 50, Appendix T, section 3(b) for monitoring data completeness criteria for design value determination for the SO_2 NAAQS.

required to cease burning coal and switched to natural gas as of July 1, 2020.[16] In addition, under that same consent order, the remaining coal-fired sources at Brandon Shores and Wagner have operated much less frequently than when EPA designated the Area as nonattainment in 2016. This may explain why there have been no recent exceedances of the 2010 1-hour SO_2 NAAQS at the Riviera Beach Monitor.

B. Overview of EPA Modeling Analysis for the Anne Arundel-Baltimore County Area

EPA's SO_2 Modeling TAD outlines modeling approaches for SO_2 NAAQS attainment status designations to assist state, local, and tribal air agencies in the characterization of ambient air quality in areas with significant SO_2 emission sources.[17] EPA's SO_2 Modeling TAD outlines recommended modeling approaches and provides recommendations on several aspects of dispersion modeling in this context, including the use of temporally varying actual emissions, source characterization, meteorological data, model selection, and background concentrations. Consistent with the approach set forth in the SO_2 Modeling TAD, EPA conducted a dispersion modeling analysis for the Anne Arundel-Baltimore County nonattainment area to show the impact on air quality of all large SO_2 emissions sources. For this Area, the primary sources of SO_2 emissions include three coal-fired EGUs located in the nonattainment area—Brandon Shores, C.P. Crane, and H.A. Wagner electric generating facilities. Brandon Shores and Wagner are located adjacent to one another in northern Anne Arundel County, residing within the Fort Smallwood Complex. The Crane facility is located approximately 22 kilometers northeast of Brandon Shores and Wagner in Baltimore County. The only other significant source of SO_2 emissions in the Area is the Wheelabrator-Baltimore facility, which is a waste-to-energy facility that combusts up to 2,250 tons per day of post-recycled waste to generate electricity and steam. Wheelabrator-Baltimore is located in the City of Baltimore, approximately 13 kilometers northwest of the Brandon Shores and Wagner facilities. EPA modeled Wheelabrator using its allowable permitted emission limit for SO_2 rather than actual emissions. The allowable permitted emission limit was much higher than actual emissions, based on annual reported emissions.

EPA's modeled actual emissions from these sources for the Area for the period between 2019–2021 (with the exception of Wheelabrator-Baltimore, for which we relied on allowable permitted emissions). Our review shows that recent actual, annual SO_2 emissions are much lower compared to the emissions for the time periods used for the initial nonattainment designation (*i.e.,* 2012–2014 and 2013–2015 actual emissions). As a result of the closure of Crane's coal units by June 2018, there were no emissions from those units to include in this analysis. The conversion of Wagner Unit 2 from coal to natural gas in 2020, and the installation of a dry sorbent injection emission control for SO_2 on Wagner Unit 3 in 2018, also contributed to significant emission reductions in the Area over the last five years. Both coal units at Brandon Shores have flue gas desulfurization (FGD) SO_2 emissions controls. The remaining Fort Smallwood Complex coal units have also reduced their total annual operating hours, directly contributing to reductions in annual SO_2 emissions over the last five years, under enforceable consent orders between the source owners and the MDE, establishing reduced emission limits and allowable hours of operation. The decline in actual SO_2 emissions from these sources between the time of designation of the Area as nonattainment (based on the period 2012–2014) and the most recent 3-year period on which EPA is evaluating the Area for a clean data determination (2019–2021) can be found in Table 2 in this document. Emissions from the EGU sources presented in Table 2 in this document are as reported to EPA's CAMD (Clean Air Markets Division), while those for the non-EGU Wheelabrator were provided to EPA by MDE.

TABLE 2—ANNUAL EMISSIONS FROM MAJOR STATIONARY SO_2 SOURCES IN THE ANNE ARUNDEL-BALTIMORE NONATTAINMENT AREA FOR 2012–2021

[Tons of SO_2 per Year]

Year	Brandon Shores		H.A. Wagner				C.P. Crane		Wheelabrator-Baltimore
	Unit 1	Unit 2	Unit 1	Unit 2	Unit 3	Unit 4	Unit 1	Unit 2	
2012	1,547	1,301	0.2	2,513	4,964	41.1	1,214	962	194
2013	1,389	1,482	0.2	1,555	8,557	72.7	719	2,143	321
2014	1,670	1,475	72.6	1,940	7,277	323	574	1,316	310
2015	1,311	1,643	65.0	1,188	8,754	185	382	946	(*)
2016	1,450	1,270	26.5	163	7,575	74.8	412	638	259
2017	1,098	1,418	2.5	117	1,245	60.8	379	449	308
2018	1,747	1,785	6.1	230	2,733	197	392	475	346
2019	547	954	15.3	88.8	1,124	39.9	0	0	329
2020	420	267	0	0	605	13.5	0	0	(*)
2021	759	720	5.7	0	645	17.4	0	0	(*)

* Wheelabrator-Baltimore state-reported emissions for 2015 were not available. Annual emissions for Wheelabrator for 2020 and 2021 were not yet available at the time of EPA's clean data determination analysis.

Based on the source-specific annual SO_2 emissions in Table 2 in this document, emissions from Brandon Shores have been reduced by about 70 percent between the designation and CDD modeling periods, while emissions from Wagner have been reduced by about 90 percent during that same period. Emissions from Crane have been entirely eliminated in the time between the designation and more recent CDD modeling periods, while actual

[16] *See* Consent Order between Raven Power Fort Smallwood LLC and the Maryland Department of the Environment regarding emissions at the Fort Smallwood electric generating complex, entered December 4, 2019, (Appendix B–1 of Maryland's January 31, 2020 SIP revision).

[17] ''SO_2 NAAQS Designations Modeling Technical Assistance Document,'' U.S. EPA Office of Air and Radiation Office of Air Quality Planning and Standards Air Quality Assessment Division (August 2016, DRAFT).

emissions from Wheelabrator during that same period have remained relatively unchanged. For further information on actual hourly emission rate historic data, refer to Appendix B of EPA's TSD for hourly emissions values for the large EGUs in the Area.

EPA's modeling analysis modeled the emissions impacts from the Wagner, Brandon Shores, and Wheelabrator facilities described above in the Anne Arundel-Baltimore County Area. EPA used actual 2019–2021 hourly SO_2 emissions from EGUs in the Area, as measured by continuous emissions monitor (CEM) data and used permitted allowable emissions for the non-EGU source, Wheelabrator-Baltimore. EPA's analysis uses the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD), with pre-processing input data from EPA's Regulatory Model Terrain Pre-processor (AERMAP) and EPA's AERMOD Meteorological Preprocessor (AERMET) models. AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer (PBL) turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. AERMAP is a stand-alone terrain pre-processor, which is used to both characterize terrain and generate receptor grids for use in AERMOD. AERMET is a stand-alone program which provides AERMOD with the information it needs to characterize the state of the surface and mixed layer, and the vertical structure of the PBL. EPA's modeling comports with EPA's SO_2 Modeling TAD, with additional guidance provided by EPA's AERMOD Implementation Guide along with appropriate sections of Appendix W and AERMOD, AERMAP, and AERMET user guides.

EPA developed its receptor grid modeling protocol on a modeling protocol developed by MDE for use in their attainment planning modeling. For purposes of a CDD, EPA refined Maryland's original receptor grid. Maryland's original model receptor grid placed nested Cartesian grids centered on the Fort Smallwood Complex (Brandon Shores and Wagner) and Crane and spaced: every 25 meters along the ambient boundary; every 100 meters out to a distance of 15 km; and every 500 meters between 15 and 25 km. EPA's final model receptor grid included all of the Maryland SIP modeling protocol-based receptors within 10 km of the Crane and Fort Smallwood EGUs and within 5 km of the Wheelabrator-Baltimore facility. However, EPA limited the model receptor grid to areas nearby to the primary coal-fired EGUs based on modeling done in support of our original designation action for the Anne Arundel-Baltimore 2010 SO_2 NAAQS nonattainment area. That designation modeling showed peak model SO_2 concentrations were confined to within a few kilometers of the coal-fired EGUs at the Fort Smallwood complex. The final CDD model grid (after filtering and pre-processing for use in AERMAP) is composed of 56,883 model receptors. Supplemental model receptor grids were based on those of MDE's modeling protocol, covering the areas within the boundaries of the Crane and the Fort Smallwood facilities. EPA's selected modeling domain for the CDD analysis captures the maximum modeled concentration from the primary emission sources in the nonattainment area, per the Appendix W modeling guidance. For further information on the receptor grid utilized for EPA's modeling analysis, refer to the AERMAP/Model Receptor Development section of EPA's TSD prepared in support of this action.

Meteorological data utilized in the modeling analysis was developed using EPA's AERMET (version 22112) preprocessor. AERMET processes three types of data: (1) hourly surface observations that are typically, but not exclusively, collected at airports by the National Weather Service (NWS) and/or the Federal Aviation Administration (FAA); (2) twice-daily upper air soundings collected by the NWS; and (3) data collected from an on-site or site-specific measurement program or prognostic meteorological data. Surface meteorological measurements for the Area were taken from the Baltimore-Washington International Airport (BWI) Automated Surface Observing Systems (ASOS) Monitor. Upper air soundings were taken from the Sterling, Virginia site near Dulles Airport in Virginia just west of Washington, DC. These are the closest available sites to the primary SO_2 sources in the Anne Arundel-Baltimore County Area. EPA's analysis indicates the meteorological collection sites and the modeled SO_2 emissions sources have similar elevations and topographical settings.

In accordance with EPA's SO_2 Modeling TAD, EPA's modeling analysis uses surface meteorological data from BWI and upper-air measurements from Dulles Airport for the 2019–2021 period. Local input information for the Area was used to analyze surface conditions using EPA's AERSURFACE tool for AERMET meteorological pre-processor model for input to AERMOD. AERSURFACE is a tool that processes land cover data to determine the surface characteristics for use in AERMET for processing for use in AERMOD.

AERMOD currently cannot simulate dispersion under calm or missing wind conditions. To reduce the number of calms and missing winds in the surface data, EPA used the AERMINUTE tool to more accurately translate 1-minute ASOS wind data to generate hourly average wind data for input to AERMET.

Section 8.3 of EPA's Guideline on Air Quality Models provides additional discussion on background monitoring concentrations for air quality analyses. Additional guidance points regarding the determination of background concentrations for the 1-hr SO_2 NAAQS are outlined in EPA's March 1, 2011, 1-hour NO_2 clarification memo.[18] It includes a procedure to use temporally varying background concentrations. Background concentrations are essential in constructing the design concentration, or total air quality concentration, as part of any NAAQS analysis. EPA utilized a seasonal by hour of day background concentration derived from 2019–2021 monitoring data collected at the Essex, MD SO_2 Monitor (Site # 24–005–3001), as described in EPA's March 1, 2011, 1-hour NO_2 clarification memo. The Essex Monitor is located in Baltimore County, within the Anne Arundel-Baltimore County Area, approximately 16 km north of the Fort Smallwood Complex and 10 km west of Crane. EPA believes the Essex Monitor, since it is actually in the Anne Arundel-Baltimore County Area, provides a representative background concentration for its CDD modeling analysis. Given the monitor's most recent 1-hr SO_2 design value (7 ppb), the impacts of these sources are probably small and would provide a conservative estimate of background concentrations for EPA's CDD modeling analysis. The Essex Monitor is likely also impacted by the major SO_2 emission sources in the Area.

EPA modeled hourly emissions over a 3-year period between 2019 through 2021. Choice of this time period excluded emissions from both coal-fired units at Crane, which ceased burning coal in June 2018. Selection of these years simplified the process of obtaining source emissions data and stack information since only Brandon Shores, Wagner and Wheelabrator-Baltimore

[18] *See* EPA's ''Additional Clarification Regarding Application of Appendix W Modeling Guidance for the 1-hour N02 National Ambient Air Quality Standard'' memo from Tyler Fox to Regional Air Division Directors, dated March 1, 2011.

operated over the timeframe of EPA's CDD analysis.

To capture the CDD model impacts, the physical stack parameters and hourly, actual SO_2 emission rates must be properly constructed. The CDD modeling analysis utilized stack (and building) information and is described in detail in the Building Downwash and Stack Good Engineering Practice (GEP) section of the TSD prepared by EPA in support of this action.

1. Results of EPA's Air Quality Modeling Analysis

EPA's CDD modeling utilized meteorological data, actual and allowable hourly SO_2 emissions, and corresponding hourly stack velocities and stack temperatures to simulate SO_2 concentrations over portions of the Anne Arundel-Baltimore County Area. This modeling analysis shows that the Area is not violating the 1-hour SO_2 NAAQS based on actual and allowable SO_2 emissions from sources within or near the area. No air quality monitor within the Area (which was designated in Round 2 of EPA's designations under the 2010 SO_2 NAAQS) is currently violating the 1-hr SO_2 NAAQS, although we recognize that the current SLAMS monitor in Essex, MD is not located at the point of peak modeled values used by EPA for area designation.

EPA's modeling analysis (based on 2019–2021 SO_2 emissions) showed a peak design value (*i.e.,* the 3-year average of the 99th percentile daily maximum 1-hour concentrations, or the 99th percentile concentrations) of 53.1 ppb. Table 3 in this document summarizes the peak model receptor design value and the 99th percentile model concentrations that contributed to that receptor's modeled design concentration.

TABLE 3—SUMMARY OF 2019–2021 PEAK MODELED RECEPTOR 1-HOUR SO_2 DESIGN VALUES AND 99TH PERCENTILE VALUES FOR THE ANNE ARUNDEL-BALTIMORE COUNTY, MD AREA

Design value (ppb)	Year 1			Year 2			Year 3		
	Date	Hour of day	SO_2 99th percentile (ppb)	Date	Hour of day	SO_2 99th percentile (ppb)	Date	Hour of day	SO_2 99th percentile (ppb)
53.1	10–02–2019	14	69.3	7–27–2020	12	52.3	1–20–2021	09	37.9

This modeled value is approximately 71 percent of the level of the 75 ppb 2010 SO_2 NAAQS. The peak model design value occurred about one km east of the Fort Smallwood Complex, near the southern shoreline of the Patapsco River east of the Fort Smallwood Complex. We note that the 99th percentile values declined over the 3-year modeled period. This trend is similar to the trends observed at the Riviera Beach Monitor, which is the closest SO_2 monitor to the location of the peak model receptor.

Our analysis shows the remaining coal-fired units within the Fort Smallwood Complex (*i.e.,* Brandon Shores Units 1 and 2 and Wagner Unit 3) are the primary contributors to the peak model design value, combining to contributing over 94 percent of the peak receptor's modeled 1-hour SO_2 design concentration. However, FGD emission controls have been installed on the coal-fired units at Brandon Shores and dry sorbent injection was installed on Wagner Unit 3 in 2018. Wagner Unit 2 remains operational but since 2021 is fired with natural gas and is no longer a significant source of SO_2 emissions. Wagner Units 1 and 4 are now fired with natural gas or oil and are less significant SO_2 emitters compared to the remaining coal-fired units. Though the 2019 design value is higher than those in 2020 and 2021, the additional emissions controls on EGUs in the Area and tighter emissions limits and annual operating hours limitations imposed by the consent decree likely contribute to lower design values in more recent years.

C. Conclusion of EPA's Modeling and Monitoring Analysis

EPA conducted a modeling analysis using three years of actual and allowable SO_2 source emissions coupled with representative meteorological data for use in modeling. Hourly SO_2 emissions from the sources that were included in Maryland's SIP were constructed along with corresponding stack velocities and temperatures. This primary emissions source information was processed for inclusion in EPA's AERMOD air-dispersion model to estimate 1-hour SO_2 design values within the Anne Arundel-Baltimore County, MD nonattainment area.

Final peak model concentrations from EPA's modeling analysis were 53.1 ppb, occuring over the Patapsco River east of the Fort Smallwood Complex. Large SO_2 emission sources, including coal fired units at Brandon Shores and Wagner, are the largest contributors to the peak modeled SO_2 design concentration in our modeling analysis. EPA also gauged impacts from other nearby sources to the primary sources. Modeled design concentrations in these nearby areas were much lower that the peak modeled design concentrations found in the main modeling domain.

Ambient air monitoring of the area does not show any violations of the NAAQS based on the most recently available data for the period between 2019–2021, though the area of modeled peak concentration is at a location other than the monitor locations. Recent trend data has shown both declining emissions and declining monitor 99th percentile and peak 1-hour monitor values. Based on this available monitoring data and the accompanying modeling analysis, we have demonstrated that the Anne Arundel-Baltimore County Area is attaining the 2010 1-hour SO_2 NAAQS, based on actual meteorology and emissions during the 2019–2021 time period. As a result, we have shown that the Anne Arundel-Baltimore County Area for the 2010 SO_2 NAAQS meets EPA criteria for the area to qualify for a CDD.

D. EPA Review of Select Anne Arundel-Baltimore County Area Attainment Plan Elements From Maryland's January 31, 2020 SO_2 SIP Revision Request

In the event EPA issues a final CDD, certain nonattainment planning requirements under CAA section 172(c) are still required for the Area. Specifically, these elements include an emissions inventory (EI), required by CAA section 172(c)(3), and a nonattainment new source review (NNSR) program required by CAA section 172(c)(5). Maryland submitted these required attainment plan elements to EPA as part of its attainment plan SIP revision dated January 31, 2020.

1. Maryland's Base Year Emissions Inventory for the Anne Arundel-Baltimore County Area

EPA's 2014 SO_2 Nonattainment Guidance describes the statutory elements comprising an SO_2 attainment

plan. These requirements include submission of a comprehensive, accurate and current base year emissions inventory of all sources of SO_2 within the nonattainment area, per CAA section 172(c)(3).[19] EPA's 2014 SO_2 Nonattainment Guidance requires that the base year emissions inventory should be consistent with the Air Emissions Reporting Requirements (AERR) at Subpart A to 40 CFR part 51.[20] This base year inventory can be represented by a year that contributed to the three-year design value used for the original nonattainment designation and should include all sources of SO_2 in the nonattainment area and any sources located outside the nonattainment area which may affect attainment in the area.

Maryland selected 2014 for the base year emission inventory for the Area, which is appropriate because the nonattainment designation of the Area was based on data from 2013–2015. Actual emissions from all the sources of SO_2 in the Anne Arundel-Baltimore County Area were reviewed and compiled for the base year emissions inventory requirement. Maryland's 2014 base year SO_2 emission inventory meets the requirements of CAA section 172(c)(3) and comports with EPA's 2014 SO_2 SIP Guidance.[21] Maryland's 2014 base year SO_2 emissions inventory for the Area, by emission source category, is contained in Table 4 in this document.

TABLE 4—2014 SO_2 EMISSION BASE YEAR INVENTORY FOR THE ANNE ARUNDEL-BALTIMORE COUNTY AREA

Emissions source category	SO_2 annual emissions (tons per year)
Stationary Point (and Quasi-point) Sources	14,797.46
Area Sources	960.59
Onroad Mobile Sources	96.55
Nonroad Mobile Sources	238.71
Total	16,093.31

In the 2014 base year, point source emissions accounted for 91 percent of all SO_2 emissions in the Area. The primary SO_2 point sources were the Brandon Shores, Wagner, and Crane EGUs, and to a lesser extent the Wheelabrator Baltimore waste-to-energy incinerator. Table 5 in this document shows the 2014 SO_2 emissions of point source facilities in the Area that reported annual emissions of greater than six tons. As noted previously, emissions for all of these sources have declined dramatically since 2014, with additional limits enacted for Wagner and Brandon Shores through more recent 40 CFR part 70 permits, as well as more stringent emission limits and operational restrictions placed upon those facilities through consent orders between MDE and the facility owners, as described in more detail in sections B and C, in this document.[22] Further, the Crane facility ceased operation in 2018, Wagner's coal-fired Unit 2 ceased coal combustion in June 2020, and the remaining Wagner coal-fired unit (Unit 3) is to cease coal combustion by January 1, 2026.[23]

TABLE 5—POINT SOURCE CONTRIBUTION TO THE 2014 SO_2 BASE YEAR EMISSIONS INVENTORY FOR THE ANNE ARUNDEL-BALTIMORE COUNTY NONATTAINMENT AREA

Facility	2014 SO_2 annual emissions (tons per year)
Brandon Shores	3,145.09
Wagner	9,610.26
C.P. Crane	1,887.16
All Other Point Sources Combined	33.26
Total Point Source Emissions	14,675.76

EPA has evaluated Maryland's 2014 base year emissions inventory for the Anne Arundel-Baltimore County Area and has determined that it was developed in a manner consistent with CAA section 172(c)(3) and with applicable EPA guidance.

[19] *See* ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (April 23, 2014).

[20] The AERR at Subpart A to 40 CFR part 51 cover overarching Federal reporting requirements for the states to submit emissions inventories for criteria pollutants to EPA's Emissions Inventory System. EPA uses these submittals, along with other data sources, to build the National Emissions Inventory.

[21] *See* pp. 46–47 of EPA's ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,'' dated April 23, 2014.

[22] MDE issued a title V permit for Raven Power's Brandon Shores and Wagner generating stations (which MDE considers a single source for title V and NSR purposes). The Title V permit is available at MDE's website, at: *https://mde.maryland.gov/programs/permits/AirManagementPermits/Test/Raven%20Power%20Ft.%20Smallwood,%20LLC.pdf*. EPA does not intend to add the Title V permit to the SIP but is referencing it here for purposes of showing declining emissions.

[23] *See* Consent Order between Raven Power Fort Smallwood LLC and the Maryland Department of the Environment relating to operations at the Herbert A. Wagner electric generating station, as it relates to regional haze formation, entered June 24, 2021. The consent order is available for review in the docket for this action.

2. Maryland's New Source Review Program

Section 172(c)(5) of the CAA establishes an attainment plan element requirement that the state have in place a permitting program for the construction and operation of new or modified major stationary sources in a nonattainment area, in accordance with section 173 of the CAA.[24] Maryland has a fully implemented nonattainment new source review (NNSR) program under the Code of Maryland Regulations (COMAR), COMAR 26.11.17 ''Nonattainment Provisions for Major New Sources and Major Modifications,'' addressing the criteria pollutants. EPA has approved this chapter into the Maryland SIP (77 FR 45949, August 2, 2012; as updated by 80 FR 39969, July 13, 2015).

Maryland's NNSR program meets the SO_2 applicable requirements of CAA section 173 as COMAR 26.11.17 applies to any new or modified major stationary source in an area that has been designated ''nonattainment'' under CAA section 107(d)(1)(A)(i).[25] The SIP-approved NNSR program covers the Anne Arundel-Baltimore County SO_2 Area and includes SO_2 as a ''regulated NSR pollutant.'' [26]

Maryland's NNSR program rule, as codified at COMAR 26.11.17, defines ''major stationary source'' as ''any stationary source of air pollution which emits or has the potential to emit 100 tons or more of any regulated NSR pollutant,'' which by definition includes SO_2.[27] A ''significant'' net increase in SO_2 emissions is defined as 40 tons per year. ''Best Available Control Technology'' is defined as an emissions limitation ''based on the maximum degree of [emissions] reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification.'' All permits and approvals required by Maryland's NNSR permitting program, under COMAR 26.11, must be obtained before construction or modification of a subject emissions source.[28]

EPA has reviewed Maryland's NNSR program and determined that its SIP-approved NNSR program under COMAR 26.11 meets the requirements for NSR under CAA sections 172(c)(5) and 173 and 40 CFR 51.165 for SO_2 sources undergoing construction or major modification in the Anne Arundel-Baltimore County Area without need for modification of the SIP-approved NNSR program. Therefore, EPA concludes that the Maryland SIP meets the NNSR requirements of CAA section 172(c)(5) applicable to attainment plan requirements for the Area.

3. Maryland Limits on Stationary SO_2 Sources

Although EPA is not taking action upon Maryland's attainment demonstration submitted as part of the January 31, 2020 attainment plan, EPA has reviewed Maryland's submitted emission limits and emissions control requirements for large SO_2 sources in the Area. EPA proposes to add to the Maryland SIP as a SIP strengthening measure a consent order between MDE and Raven Power Fort Smallwood LLC and a consent order between MDE and C.P. Crane LLC that require enforceable SO_2 limits and operational limitations at the Fort Smallwood Complex and at the Crane facility.[29]

These consent orders establish SO_2 emission limits for these facilities (beginning in January 2019 and additional limits beginning in 2021), as summarized herein. Effective October 2019, Crane Units 1 and 2 are limited to combined SO_2 emissions of 2,900 pounds per hour (lbs/hr SO_2). Beginning January 2021, Brandon Shores Units 1 and 2 and Wagner Unit 3 combined (whether operating individually or in tandem) are limited to 3,860 lb/hr SO_2, on a 30-day rolling average basis. Beginning January 2021, Brandon Shores Units 1 and 2 (operating either individually or in tandem) shall not exceed a cumulative total of 435 hours per calendar year when the applicable units are operating at a combined SO_2 emissions rate greater than 2,851 pounds per hour. Beginning January 2021, Brandon Shores Units 1 and 2 cannot exceed 9,980 lbs/hr SO_2, on a 3-hour rolling average basis. Beginning January 2021, Brandon Shores Units 1 and 2 combined are limited to three hours per calendar year with combined emissions greater than 5,150 lbs/hr SO_2 (on a 1-hour average basis) when Wagner Unit 3 is not operating; and are limited to 435 hours per calendar year of combined emissions greater than 2,851 lbs/hr SO_2 when Wagner Unit 3 is also operating.

Wagner Unit 3 alone cannot emit more than 3,289 lbs/hr SO_2 (on a 1-hour averaging basis); is limited to emitting 1,904 lbs/hr SO_2 (on a 30-day rolling average); and is limited to 336 hours per calendar year of emissions greater than 2,299 lbs/hr SO_2 (on a 1-hour averaging basis).

Beginning January 2021, Wagner Unit 1 alone shall not emit more than 480 lbs/hour SO_2 (on a 1-hour averaging basis); and is limited to operating 438 hours per calendar year burning fuel oil. Beginning January 2021, at all times when operating, Wagner Unit 3 shall not exceed 1,904 lbs/hr SO_2 (as measured on a 30-day rolling average); and Unit 3 shall not exceed a maximum rate of 3,289 lbs/hr SO_2 at all times when operating (on a 1-hour average basis). Beginning January 2021, at all times when operating, Wagner Unit 3 shall not exceed a cumulative total operation of 336 hours per calendar year when the Unit's SO_2 emissions rate is greater than 2,299 lbs/hr SO_2 (on a one-hour average basis). Beginning January 2021, Wagner Unit 4 alone cannot emit more than 1,350 lbs/hr SO_2 (on a 1-hour average basis); and is limited to operating 438 hours per calendar year using fuel oil—though both Units 1 and 4 can operate additional hours each year using natural gas. By July 2020, Wagner Unit 2 was required to cease operation or to convert from burning coal to burning natural gas. Annual Emissions reported to EPA's Clean Air Markets Division (CAMD) database and to MDE for the Crane facility dropped to zero for 2019–2021.

By incorporating these consent decrees between MDE and Raven Power into the Maryland SIP, EPA is strengthening the SIP and making these additional permitted limits and operating conditions federally enforceable.

IV. Proposed Action

EPA is proposing to issue a CDD for the Anne Arundel-Baltimore County Area. Finalizing this CDD would

[24] The CAA NSR program is composed of three separate programs: Prevention of significant deterioration (PSD), NNSR, and Minor NSR. PSD is established in part C of title I of the CAA and applies in undesignated areas and in areas that meet the NAAQS—designated ''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—designated ''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—designated ''nonattainment areas.'' The Minor NSR program addresses construction or modification activities that do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. Together, these programs are referred to as the NSR programs. Section 173 of the CAA lays out the NNSR program for preconstruction review of new major sources or major modifications to existing sources, as required by CAA section 172(c)(5). The programmatic elements for NNSR include, among other things, compliance with the lowest achievable emissions rate and the requirement to obtain emissions offsets.

[25] *See* COMAR 26.11.17.02A(3).

[26] *See* COMAR 26.11.17.01B(24).

[27] *See* COMAR 26.11.17.01B(17).

[28] *See* COMAR 26.11.17.03A.

[29] *See* Appendix B of Maryland's January 30, 2020 attainment plan SIP revision request to EPA. Specifically, Appendix B1—Consent Order—Brandon Shores and Wagner Generating Stations, dated December 4, 2019; and Appendix B–2: Consent Order—C.P. Crane Generating Station, dated October 9, 2019.

suspend the requirements for Maryland to submit an attainment demonstration and certain other associated nonattainment planning requirements for so long as the Anne Arundel-Baltimore County nonattainment area continues to attain the 2010 SO_2 NAAQS and would suspend EPA's obligation to promulgate a FIP associated with the FFS issued on September 20, 2019. This proposed action is consistent with EPA's long-held interpretation of CAA requirements.

Finalizing this action would not constitute a redesignation of the Anne Arundel-Baltimore County nonattainment area to attainment of the 2010 SO_2 NAAQS under section 107(d)(3) of the CAA. The Anne Arundel-Baltimore County Area will remain designated nonattainment for the 2010 SO_2 NAAQS until such time as EPA determines that the area meets the CAA requirements for redesignation to attainment and takes action to redesignate the area.

EPA is simultaneously proposing to approve select elements of the SO_2 attainment plan SIP revision for the Area submitted by Maryland to EPA on January 31, 2020. EPA is approving select elements of the attainment plan that would not be suspended under a final CDD—a base year emission inventory and a showing that the area is covered by an EPA-approved NNSR program. EPA has determined that Maryland's 2014 base year emissions inventory for the Anne Arundel-Baltimore County Area comports with relevant EPA emissions inventory guidance, and therefore pursuant to section 172(c)(3), EPA proposes to approve Maryland's 2014 base year emissions inventory for the Area. EPA has also determined that Maryland's NNSR program meets applicable requirements for NSR under CAA section 173 for SO_2 sources undergoing construction or major modification in the Area. EPA therefore proposes to approve Maryland's NNSR element of its attainment plan as meeting the requirements of CAA section 172(c)(5). If EPA's approval of these elements is finalized, EPA's obligation to promulgate a FIP as to those elements will be terminated.

Finally, EPA is approving as SIP strengthening measures certain SO_2 emission limit requirements on large SO_2 emission sources that were submitted as part of Maryland's attainment plan for the nonattainment area.

EPA proposes to incorporate by reference several consent orders between MDE and Raven Power with the January 30, 2020 attainment plan as SIP strengthening measures to provide federally enforceable limits on the major SO_2 emissions sources in the Anne Arundel-Baltimore County Area, which are contained in Appendix B of Maryland's January 30, 2020 SO_2 attainment plan SIP revision to EPA.[30] EPA proposes to approve this portion of the Maryland's January 2020 submitted plan as a SIP strengthening measure and these consent orders are available for review in the docket for this action. However, EPA is not proposing to approve in this action the CAA section 172(c)(1) attainment modeling demonstration submitted as part of the January 30, 2020 plan revision, nor is EPA proposing to approve the state's submitted CAA section 172(c)(1) RACM/RACT, CAA section 172(c)(2) RFP, CAA section 172(c)(6) emission limits necessary to provide for attainment, or CAA section 172(c)(9) contingency measures elements. As noted, EPA's obligation to promulgate a FIP as to these elements would be suspended by a CDD, for as long as the CDD remains in place.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. 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 requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference (as described in Section IV of this preamble) two consent orders between MDE and Raven Power governing SO_2 emissions limitations and operating limitations at the Fort Smallwood Complex facilities and the Crane facility, as contained in Appendix B of Maryland's January 30, 2020 SO_2 attainment plan SIP revision to EPA. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

This action proposes to make a CDD for the Anne Arundel-Baltimore County Area for the 2010 SO_2 NAAQS based on air quality data which would result in the suspension of the requirement to submit certain Federal requirements and does not impose any additional regulatory requirements on sources beyond those required by state law or existing Federal law. Moreover, 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). In this case, EPA is proposing approval of two elements of a larger SIP revision (the 2020 SO_2 attainment plan) and is also proposing approval of two SIP-strengthening consent orders between MDE and the owner of two major SO_2 emitting sources that tighten SO_2 emission limits and impose specific operating conditions and hours. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action pertaining to the approval of two elements of the SIP submission merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For these reasons, 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 subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action as defined by Executive Order 12866;
- 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

[30] *See* Appendix B of the January 30, 2020 attainment plan SIP Revision. Specifically, Appendix B1—Consent Order—Brandon Shores and Wagner Generating Stations, dated December 4, 2019; and Appendix B–2: Consent Order—C.P. Crane Generating Station, dated October 9, 2019.

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).

In addition, this proposed CDD and accompanying approval of selected elements of Maryland's January 30, 2020 SO_2 attainment plan do not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2022–17341 Filed 8–18–22; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2020–0432; FRL–10121–01–R2]

Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the regional haze state implementation plan (SIP) revision submitted by New Jersey on March 26, 2020, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA's Regional Haze Rule for the program's second implementation period. New Jersey's SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is taking this action pursuant to sections 110 and 169A of the Clean Air Act.

DATES: Written comments must be received on or before September 19, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2020–0432 at *https://www.regulations.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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.*

FOR FURTHER INFORMATION CONTACT: Omar Hammad, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3347, or by email at *Hammad.Omar@epa.gov.*

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I. What action is the EPA proposing?

On March 26, 2020, supplemented on September 8, 2020, and April 1, 2021, the New Jersey Department of Environmental Protection (NJDEP) submitted a revision to its SIP to address regional haze for the second implementation period. NJDEP made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. The EPA is proposing to find that the New Jersey regional haze SIP submission for the second implementation period meets the applicable statutory and regulatory requirements and thus proposes to approve New Jersey's submission into its SIP.

II. Background and Requirements for Regional Haze Plans

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[1] CAA 169A. The CAA establishes as a national goal the

[1] Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' CAA 169A(a)(1). The CAA further directs the EPA to promulgate regulations to assure reasonable progress toward meeting this national goal. CAA 169A(a)(4). On December 2, 1980, the EPA promulgated regulations to address visibility impairment in mandatory Class I Federal areas (hereinafter referred to as ''Class I areas'') that is ''reasonably attributable'' to a single source or small group of sources. (45 FR 80084, December 2, 1980). These regulations, codified at 40 CFR 51.300 through 51.307, represented the first phase of the EPA's efforts to address visibility impairment. In 1990, Congress added section 169B to the CAA to further address visibility impairment, specifically, impairment from regional haze. CAA 169B. The EPA promulgated the Regional Haze Rule (RHR), codified at 40 CFR 51.308,[2] on July 1, 1999. (64 FR 35714, July 1, 1999). These regional haze regulations are a central component of the EPA's comprehensive visibility protection program for Class I areas.

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[3]

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both states in which Class I areas are located and states ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment. CAA 169A(b)(2);[4] see also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions); (64 FR at 35768, July 1, 1999). Under the CAA, each SIP submission must contain ''a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal,'' CAA 169A(b)(2)(B); the initial round of SIP submissions also had to address the statutory requirement that certain older, larger sources of visibility impairing pollutants install and operate the best available retrofit technology (BART). CAA 169A(b)(2)(A); 40 CFR 51.308(d), (e). States' first regional haze SIPs were due by December 17, 2007, 40 CFR 51.308(b), with subsequent SIP submissions containing updated long-term strategies originally due July 31, 2018, and every ten years thereafter. (64 FR at 35768, July 1, 1999). The EPA established in the 1999 RHR that all states either have Class I areas within their borders or ''contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area''; therefore, all states must submit regional haze SIPs.[5] Id. at 35721.

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying states' BART obligations. First implementation period SIPs were additionally required to contain long-term strategies for making reasonable progress toward the national visibility goal, of which BART is one component. The core required elements for the first implementation period SIPs (other than BART) are laid out in 40 CFR 51.308(d). Those provisions required that states containing Class I areas establish reasonable progress goals (RPGs) that are measured in deciviews and reflect the anticipated visibility conditions at the end of the implementation period including from implementation of states' long-term strategies. The first planning period RPGs were required to provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. In establishing the RPGs for any Class I area in a state, the state was required to consider four statutory factors: the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources. CAA 169A(g)(1); 40 CFR 51.308(d)(1).

States were also required to calculate baseline (using the five year period of 2000–2004) and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for each Class I area, and to calculate the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is known as the uniform rate of progress (URP) and is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area.[6] 40 CFR 51.308(d)(1)(i)(B), (d)(2).

[2] In addition to the generally applicable regional haze provisions at 40 CFR 51.308, the EPA also promulgated regulations specific to addressing regional haze visibility impairment in Class I areas on the Colorado Plateau at 40 CFR 51.309. The latter regulations are applicable only for specific jurisdictions' regional haze plans submitted no later than December 17, 2007, and thus are not relevant here.

[3] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used to for expressing visibility and is measured in inverse megameters (Mm-1). The EPA's Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (''2019 Guidance'') offers the flexibility for the use of light extinction in certain cases. Light extinction can be simpler to use in calculations than deciviews, since it is not a logarithmic function. See, *e.g.,* 2019 Guidance at 16, 19, *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period,* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019). The formula for the deciview is $10 \ln (b^{ext})/10 \text{ Mm} - 1$). 40 CFR 51.301.

[4] The RHR expresses the statutory requirement for states to submit plans addressing out-of-state class I areas by providing that states must address visibility impairment ''in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(d), (f).

[5] In addition to each of the fifty states, the EPA also concluded that the Virgin Islands and District of Columbia must also submit regional haze SIPs because they either contain a Class I area or contain sources whose emissions are reasonably anticipated to contribute regional haze in a Class I area. *See* 40 CFR 51.300(b), (d)(3).

[6] EPA established the URP framework in the 1999 RHR to provide ''an equitable analytical approach'' to assessing the rate of visibility improvement at Class I areas across the country. The start point for the URP analysis is 2004 and the endpoint was calculated based on the amount of visibility improvement that was anticipated to result from implementation of existing CAA programs over the period from the mid-1990s to approximately 2005. Assuming this rate of progress would continue into the future, EPA determined that natural visibility conditions would be reached in 60 years, or 2064 (60 years from the baseline starting point of 2004). However, EPA did not establish 2064 as the year by which the national goal *must* be reached. 64 FR at 35731–32. That is, the URP and the 2064 date are not enforceable targets, but are rather tools that ''allow for analytical comparisons between the rate

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The 1999 RHR also provided that States' long-term strategies must include the ''enforceable emissions limitations, compliance, schedules, and other measures as necessary to achieve the reasonable progress goals.'' 40 CFR 51.308(d)(3). In establishing their long-term strategies, states are required to consult with other states that also contribute to visibility impairment in a given Class I area and include all measures necessary to obtain their shares of the emission reductions needed to meet the RPGs. 40 CFR 51.308(d)(3)(i), (ii). Section 51.308(d) also contains seven additional factors states must consider in formulating their long-term strategies, 40 CFR 51.308(d)(3)(v), as well as provisions governing monitoring and other implementation plan requirements. 40 CFR 51.308(d)(4). Finally, the 1999 RHR required states to submit periodic progress reports—SIP revisions due every five years that contain information on states' implementation of their regional haze plans and an assessment of whether anything additional is needed to make reasonable progress, see 40 CFR 51.308(g), (h)—and to consult with the Federal Land Manager(s)[7] (FLMs) responsible for each Class I area according to the requirements in CAA 169A(d) and 40 CFR 51.308(i).

On January 10, 2017, the EPA promulgated revisions to the RHR, (82 FR 3078, January 10, 2017), that apply for the second and subsequent implementation periods. The 2017 rulemaking made several changes to the requirements for regional haze SIPs to clarify States' obligations and streamline certain regional haze requirements. The revisions to the regional haze program for the second and subsequent implementation periods focused on the requirement that States' SIPs contain long-term strategies for making reasonable progress towards the national visibility goal. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f). Among other changes, the 2017 RHR Revisions adjusted the deadline for States to submit their second implementation period SIPs from July 31, 2018, to July 31, 2021, clarified the order of analysis and the relationship between RPGs and the long-term strategy, and focused on making visibility improvements on the days with the most *anthropogenic* visibility impairment, as opposed to the days with the most visibility impairment overall. The EPA also revised requirements of the visibility protection program related to periodic progress reports and FLM consultation. The specific requirements applicable to second implementation period regional haze SIP submissions are addressed in detail below.

The EPA provided guidance to the states for their second implementation period SIP submissions in the preamble to the 2017 RHR Revisions as well as in subsequent, stand-alone guidance documents. In August 2019, the EPA issued ''Guidance on Regional Haze State Implementation Plans for the Second Implementation Period'' (''2019 Guidance'').[8] On July 8, 2021, the EPA issued a memorandum containing ''Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period'' (''2021 Clarifications Memo'').[9] Additionally, the EPA further clarified the recommended procedures for processing ambient visibility data and optionally adjusting the URP to account for international anthropogenic and prescribed fire impacts in two technical guidance documents: the December 2018 ''Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program'' (''2018 Visibility Tracking Guidance''),[10] and the June 2020 ''Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program'' and associated Technical Addendum (''2020 Data Completeness Memo'').[11]

As previously explained in the 2021 Clarifications Memo, EPA intends the second implementation period of the regional haze program to secure meaningful reductions in visibility impairing pollutants that build on the significant progress states have achieved to date. The Agency also recognizes that analyses regarding reasonable progress are state-specific and that, based on states' and sources' individual circumstances, what constitutes reasonable reductions in visibility impairing pollutants will vary from state-to-state. While there exist many opportunities for states to leverage both ongoing and upcoming emission reductions under other CAA programs, the Agency expects states to undertake rigorous reasonable progress analyses that identify further opportunities to advance the national visibility goal consistent with the statutory and regulatory requirements. See generally 2021 Clarifications Memo. This is consistent with Congress's determination that a visibility protection program is needed in addition to the CAA's National Ambient Air Quality Standards and Prevention of Significant Deterioration programs, as further emission reductions may be necessary to adequately protect visibility in Class I areas throughout the country.[12]

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. In order to address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from

of progress that would be achieved by the state's chosen set of control measures and the URP.'' (82 FR 3078, 3084, January 10, 2017).

[7] The EPA's regulations define ''Federal Land Manager'' as ''the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.'' 40 CFR 51.301.

[8] Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019).

[9] Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period. *https://www.epa.gov/system/files/documents/2021-07/clarifications-regarding-regional-haze-state-implementation-plans-for-the-second-implementation-period.pdf.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (July 8, 2021).

[10] Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program. *https://www.epa.gov/visibility/technical-guidance-tracking-visibility-progress-second-implementation-period-regional* The EPA Office of Air Quality Planning and Standards, Research Triangle Park. (December 20, 2018).

[11] Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program. *https://www.epa.gov/visibility/memo-and-technical-addendum-ambient-data-usage-and-completeness-regional-haze-program* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (June 3, 2020).

[12] See, *e.g.,* H.R. Rep No. 95–294 at 205 (''In determining how to best remedy the growing visibility problem in these areas of great scenic importance, the committee realizes that as a matter of equity, the national ambient air quality standards cannot be revised to adequately protect visibility in all areas of the country.''), (''the mandatory class I increments of [the PSD program] do not adequately protect visibility in class I areas'').

one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),[13] which include representation from state and tribal governments, the EPA, and FLMs, were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Mid-Atlantic/Northeast Visibility Union (MANE–VU), one of the five RPOs described above, is a collaborative effort of state governments, tribal governments, and various Federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Mid-Atlantic and Northeast corridor of the United States. Member states and tribal governments (listed alphabetically) include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Penobscot Indian Nation, Rhode Island, St. Regis Mohawk Tribe, and Vermont. The Federal partner members of MANE–VU are EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS).

III. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each state's SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas. CAA 169A(b)(2)(B). To this end, § 51.308(f) lays out the process by which states determine what constitutes their long-term strategies, with the order of the requirements in § 51.308(f)(1) through (f)(3) generally mirroring the order of the steps in the reasonable progress analysis [14] and (f)(4) through (f)(6) containing additional, related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state's long-term strategy. See 40 CFR 51.308(f), (f)(2). For each Class I area within its borders, a state must then calculate the baseline, current, and natural visibility conditions for that area, as well as the visibility improvement made to date and the URP. See 40 CFR 51.308(f)(1). Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. Reasonable progress is determined by applying the four factors in CAA section 169A(g)(1) to sources of visibility-impairing pollutants that the state has selected to assess for controls for the second implementation period. See 40 CFR 51.308(f)(2). A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress using the four statutory factors. Those measures are then incorporated into the state's long-term strategy. After a state has developed its long-term strategy, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas. 40 CFR 51.308(f)(2)–(3).

In addition to satisfying the requirements at 40 CFR 51.308(f) related to reasonable progress, the SIP submissions due by July 31, 2021, for the second implementation period must address the requirements in § 51.308(g)(1) through (5) pertaining to periodic reports describing progress towards the RPGs, 40 CFR 51.308(f)(5), as well as requirements for FLM consultation that apply to all visibility protection SIPs and SIP revisions. 40 CFR 51.308(i).

A state must submit its regional haze SIP and subsequent SIP revisions to the EPA according to the requirements applicable to all SIP revisions under the CAA and EPA's regulations. See CAA 169(b)(2); CAA 110(a). Upon EPA approval, a SIP is enforceable by the Agency and the public under the CAA. If EPA finds that a state fails to make a required SIP revision, or if the EPA finds that a state's SIP is incomplete or if disapproves the SIP, the Agency must promulgate a federal implementation plan (FIP) that satisfies the applicable requirements. CAA 110(c)(1).

A. Identification of Class I Areas

The SIP revision submission due by July 31, 2021, ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(f); see also 51.308(f)(2).[15] Thus, the first step in developing a regional haze SIP is for a state to determine which Class I areas, in addition to those within its borders, ''may be affected'' by emissions from within the state. In the 1999 RHR, the EPA determined that all states contribute to visibility impairment in at least one Class I area, 64 FR at 35720–22, and explained that the statute and regulations lay out an ''extremely low triggering threshold'' for determining ''whether States should be required to engage in air quality planning and analysis as a prerequisite to determining the need for control of emissions from sources within their State.'' *Id.* at 35721.

A state must determine which Class I areas must be addressed by its SIP by evaluating the total emissions of visibility impairing pollutants from all sources within the state. While the RHR does not require this evaluation to be conducted in any particular manner, EPA's 2019 Guidance provides recommendations for how such an assessment might be accomplished, including by, where appropriate, using the determinations previously made for the first implementation period. 2019

[13] RPOs are sometimes also referred to as ''multi-jurisdictional organizations,'' or MJOs. For the purposes of this notice, the terms RPO and MJO are synonymous.

[14] EPA explained in the 2017 RHR Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' (82 FR 3091, January 10, 2017).

[15] The RHR uses the phrase ''that may be affected by emissions from the State'' to implement CAA 169A(b)(2)'s requirement that a state ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' submit a SIP.

Guidance at 8–9. In addition, the determination of which Class I areas may be affected by a state's emissions is subject to the requirement in 40 CFR 51.308(f)(2)(iii) to ''document the technical basis, including modeling, monitoring, cost, engineering, and emissions information, on which the State is relying to determine the emission reduction measures that are necessary to make reasonable progress in each mandatory Class I Federal area it affects.''

B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

As part of assessing whether a SIP submission for the second implementation period is providing for reasonable progress towards the national visibility goal, the RHR contains requirements in § 51.308(f)(1) related to tracking visibility improvement over time. The requirements of this subsection apply only to states having Class I areas within their borders; the required calculations must be made for each such Class I area. EPA's 2018 Visibility Tracking Guidance [16] provides recommendations to assist states in satisfying their obligations under § 51.308(f)(1); specifically, in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP to account for the impacts of international anthropogenic emissions and prescribed fires. See 82 FR at 3103–05.

The RHR requires tracking of visibility conditions on two sets of days: the clearest and the most impaired days. Visibility conditions for both sets of days are expressed as the average deciview index for the relevant five-year period (the period representing baseline or current visibility conditions). The RHR provides that the relevant sets of days for visibility tracking purposes are the 20% clearest (the 20% of monitored days in a calendar year with the lowest values of the deciview index) and 20% most impaired days (the 20% of monitored days in a calendar year with the highest amounts of anthropogenic visibility impairment).[17] 40 CFR 51.301. A state must calculate visibility conditions for both the 20% clearest and 20% most impaired days for the baseline period of 2000–2004 and the most recent five-year period for which visibility monitoring data are available (representing current visibility conditions). 40 CFR 51.308(f)(1)(i), (iii). States must also calculate natural visibility conditions for the clearest and most impaired days,[18] by estimating the conditions that would exist on those two sets of days absent anthropogenic visibility impairment. 40 CFR 51.308(f)(1)(ii). Using all these data, states must then calculate, for each Class I area, the amount of progress made since the baseline period (2000–2004) and how much improvement is left to achieve in order to reach natural visibility conditions.

Using the data for the set of most impaired days only, states must plot a line between visibility conditions in the baseline period and natural visibility conditions for each Class I area to determine the URP—the amount of visibility improvement, measured in deciviews, that would need to be achieved during each implementation period in order to achieve natural visibility conditions by the end of 2064. The URP is used in later steps of the reasonable progress analysis for informational purposes and to provide a non-enforceable benchmark against which to assess a Class I area's rate of visibility improvement.[19] Additionally, in the 2017 RHR Revisions, the EPA provided states the option of proposing to adjust the endpoint of the URP to account for impacts of anthropogenic sources outside the United States and/or impacts of certain types of wildland prescribed fires. These adjustments, which must be approved by the EPA, are intended to avoid any perception that states should compensate for impacts from international anthropogenic sources and to give states the flexibility to determine that limiting the use of wildland-prescribed fire is not necessary for reasonable progress. 82 FR 3107 footnote 116.

EPA's 2018 Visibility Tracking Guidance can be used to help satisfy the 40 CFR 51.308(f)(1) requirements, including in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP. In addition, the 2020 Data Completeness Memo provides recommendations on the data completeness language referenced in § 51.308(f)(1)(i) and provides updated natural conditions estimates for each Class I area.

C. Long-Term Strategy for Regional Haze

The core component of a regional haze SIP submission is a long-term strategy that addresses regional haze in each Class I area within a state's borders and each Class I area that may be affected by emissions from the state. The long-term strategy ''must include the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv).'' 40 CFR 51.308(f)(2). The amount of progress that is ''reasonable progress'' is determined by applying the four statutory factors in CAA section 169A(g)(1) in an evaluation of potential control options for sources of visibility impairing pollutants, which is referred to as a ''four-factor'' analysis. The outcome of that analysis is the emission reduction measures that a particular source or group of sources needs to implement in order to make reasonable progress towards the national visibility goal. See 40 CFR 51.308(f)(2)(i). Emission reduction measures that are necessary to make reasonable progress may be either new, additional control measures for a source, or they may be the existing emission reduction measures that a source is already implementing. See 2019 Guidance at 43; 2021 Clarifications Memo at 8–10. Such measures must be represented by ''enforceable emissions limitations, compliance schedules, and other measures'' (*i.e.,* any additional compliance tools) in a state's long-term strategy in its SIP. 40 CFR 51.308(f)(2).

Section 51.308(f)(2)(i) provides the requirements for the four-factor analysis. The first step of this analysis entails selecting the sources to be evaluated for emission reduction measures; to this end, the RHR requires states to consider ''major and minor stationary sources or groups of sources, mobile sources, and area sources'' of visibility impairing pollutants for potential four-factor control analysis. 40

[16] The 2018 Visibility Tracking Guidance references and relies on parts of the 2003 Tracking Guidance: ''Guidance for Tracking Progress Under the Regional Haze Rule,'' which can be found at *https://www3.epa.gov/ttnamti1/files/ambient/visible/tracking.pdf.*

[17] This notice also refers to the 20% clearest and 20% most anthropogenically impaired days as the ''clearest'' and ''most impaired'' or ''most anthropogenically impaired'' days, respectively.

[18] The RHR at 40 CFR 51.308(f)(1)(ii) contains an error related to the requirement for calculating two sets of natural conditions values. The rule says ''most impaired days or the clearest days'' where it should say ''most impaired days and clearest days.'' This is an error that was intended to be corrected in the 2017 RHR Revisions but did not get corrected in the final rule language. This is supported by the preamble text at 82 FR 3098: ''In the final version of 40 CFR 51.308(f)(1)(ii), an occurrence of ''or'' has been corrected to ''and'' to indicate that natural visibility conditions for both the most impaired days and the clearest days must be based on available monitoring information.''

[19] Being on or below the URP is not a ''safe harbor''; *i.e.,* achieving the URP does not mean that a Class I area is making ''reasonable progress'' and does not relieve a state from using the four statutory factors to determine what level of control is needed to achieve such progress. *See, e.g.,* 82 FR at 3093.

CFR 51.308(f)(2)(i). A threshold question at this step is which visibility impairing pollutants will be analyzed. As EPA previously explained, consistent with the first implementation period, EPA generally expects that each state will analyze at least SO_2 and NO_X in selecting sources and determining control measures. See 2019 Guidance at 12, 2021 Clarifications Memo at 4. A state that chooses not to consider at least these two pollutants should demonstrate why such consideration would be unreasonable. 2021 Clarifications Memo at 4.

While states have the option to analyze *all* sources, the 2019 Guidance explains that ''an analysis of control measures is not required for every source in each implementation period,'' and that ''[s]electing a set of sources for analysis of control measures in each implementation period is . . . consistent with the Regional Haze Rule, which sets up an iterative planning process and anticipates that a state may not need to analyze control measures for all its sources in a given SIP revision.'' 2019 Guidance at 9. However, given that source selection is the basis of all subsequent control determinations, a reasonable source selection process ''should be designed and conducted to ensure that source selection results in a set of pollutants and sources the evaluation of which has the potential to meaningfully reduce their contributions to visibility impairment.'' 2021 Clarifications Memo at 3.

EPA explained in the 2021 Clarifications Memo that each state has an obligation to submit a long-term strategy that addresses the regional haze visibility impairment that results from emissions from within that state. Thus, source selection should focus on the in-state contribution to visibility impairment and be designed to capture a meaningful portion of the state's total contribution to visibility impairment in Class I areas. A state should not decline to select its largest in-state sources on the basis that there are even larger out-of-state contributors. 2021 Clarifications Memo at 4.[20]

Thus, while states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained and result in a set of sources which capture a meaningful portion of the state's total contribution to visibility impairment. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[21] This is accomplished by considering the four factors—''the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' CAA 169A(g)(1). The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.,* control options) for sources; ''use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply in order to satisfy the CAA's reasonable progress mandate.'' 82 FR at 3091. Thus, for each source it has selected for four-factor analysis,[22] a state must consider a ''meaningful set'' of technically feasible control options for reducing emissions of visibility impairing pollutants. *Id.* at 3088. The 2019 Guidance provides that ''[a] state must reasonably pick and justify the measures that it will consider, recognizing that there is no statutory or regulatory requirement to consider all technically feasible measures or any particular measures. A range of technically feasible measures available to reduce emissions would be one way to justify a reasonable set.'' 2019 Guidance at 29.

EPA's 2021 Clarifications Memo provides further guidance on what constitutes a reasonable set of control options for consideration: ''A reasonable four-factor analysis will consider the full range of potentially reasonable options for reducing emissions.'' 2021 Clarifications Memo at 7. In addition to add-on controls and other retrofits (*i.e.,* new emission reduction measures for sources), EPA explained that states should generally analyze efficiency improvements for sources' existing measures as control options in their four-factor analyses, as in many cases such improvements are reasonable given that they typically involve only additional operation and maintenance costs. Additionally, the 2021 Clarifications Memo provides that states that have assumed a higher emission rate than a source has achieved or could potentially achieve using its existing measures should also consider lower emission rates as potential control options. That is, a state should consider a source's recent actual and projected emission rates to determine if it could reasonably attain lower emission rates with its existing measures. If so, the state should analyze the lower emission rate as a control option for reducing emissions. 2021 Clarifications Memo at 7. The EPA's recommendations to analyze potential efficiency improvements and achievable lower emission rates apply to both sources that have been selected for four-factor analysis and those that have forgone a four-factor analysis on the basis of existing ''effective controls.'' See 2021 Clarifications Memo at 5, 10.

After identifying a reasonable set of potential control options for the sources it has selected, a state then collects information on the four factors with regard to each option identified. The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as

[20] Similarly, in responding to comments on the 2017 RHR Revisions EPA explained that ''[a] state should not fail to address its many relatively low-impact sources merely because it only has such sources and another state has even more low-impact sources and/or some high impact sources.'' Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) at 87–88.

[21] The CAA provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. CAA 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second planning period.

[22] ''Each source'' or ''particular source'' is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have ''the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state.'' 82 FR at 3088. However, not all approaches to grouping sources for four-factor analysis are necessarily reasonable; the reasonableness of grouping sources in any particular instance will depend on the circumstances and the manner in which grouping is conducted. If it is feasible to establish and enforce different requirements for sources or subgroups of sources, and if relevant factors can be quantified for those sources or subgroups, then states should make a separate reasonable progress determination for each source or subgroup. 2021 Clarifications Memo at 7–8.

an optional fifth factor alongside the four statutory factors.[23] The 2019 Guidance provides recommendations for the types of information that can be used to characterize the four factors (with or without visibility), as well as ways in which states might reasonably consider and balance that information to determine which of the potential control options is necessary to make reasonable progress. See 2019 Guidance at 30–36. The 2021 Clarifications Memo contains further guidance on how states can reasonably consider modeled visibility impacts or benefits in the context of a four-factor analysis. 2021 Clarifications Memo at 12–13, 14–15. Specifically, EPA explained that while visibility can reasonably be used when comparing and choosing between multiple reasonable control options, it should not be used to summarily reject controls that are reasonable given the four statutory factors. 2021 Clarifications Memo at 13. Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, § 51.308(f)(2)(i) provides that a state ''must include in its implementation plan a description of . . . how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.''

As explained above, § 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to § 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a state's long-term strategy and in its SIP.[24] If the outcome of a four-factor analysis is a new, additional emission reduction measure for a source, that new measure is necessary to make reasonable progress towards remedying existing anthropogenic visibility impairment and must be included in the SIP. If the outcome of a four-factor analysis is that no new measures are reasonable for a source, continued implementation of the source's existing measures is generally necessary to prevent future emission increases and thus to make reasonable progress towards the second part of the national visibility goal: preventing future anthropogenic visibility impairment. See CAA 169A(a)(1). That is, when the result of a four-factor analysis is that no new measures are necessary to make reasonable progress, the source's existing measures are generally necessary to make reasonable progress and must be included in the SIP. However, there may be circumstances in which a state can demonstrate that a source's existing measures are *not* necessary to make reasonable progress. Specifically, if a state can demonstrate that a source will continue to implement its existing measures and will not increase its emission rate, it may not be necessary to have those measures in the long-term strategy in order to prevent future emission increases and future visibility impairment. EPA's 2021 Clarifications Memo provides further explanation and guidance on how states may demonstrate that a source's existing measures are not necessary to make reasonable progress. See 2021 Clarifications Memo at 8–10. If the state can make such a demonstration, it need not include a source's existing measures in the long-term strategy or its SIP.

As with source selection, the characterization of information on each of the factors is also subject to the documentation requirement in § 51.308(f)(2)(iii). The reasonable progress analysis, including source selection, information gathering, characterization of the four statutory factors (and potentially visibility), balancing of the four factors, and selection of the emission reduction measures that represent reasonable progress, is a technically complex exercise, but also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, § 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the state relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress. This documentation requirement can be met through the provision of and reliance on technical analyses developed through a regional planning process, so long as that process and its output has been approved by all state participants. In addition to the explicit regulatory requirement to document the technical basis of their reasonable progress determinations, states are also subject to the general principle that those determinations must be reasonably moored to the statute.[25] That is, a state's decisions about the emission reduction measures that are necessary to make reasonable progress must be consistent with the statutory goal of remedying existing and preventing future visibility impairment.

The four statutory factors (and potentially visibility) are used to determine what emission reduction measures for selected sources must be included in a state's long-term strategy for making reasonable progress. Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [26] that states must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. The 2019 Guidance provides that a state may satisfy this requirement by considering these additional factors in the process of selecting sources for four-factor analysis, when performing that analysis, or both, and that not every one of the additional factors needs to be considered at the same stage of the process. See 2019 Guidance at 21. EPA

[23] See, *e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186; 2019 Guidance at 36–37.

[24] States may choose to, but are not required to, include measures in their long-term strategies beyond just the emission reduction measures that are necessary for reasonable progress. See 2021 Clarifications Memo at 16. For example, states with smoke management programs may choose to submit their smoke management plans to EPA for inclusion in their SIPs but are not required to do so. See, *e.g.,* 82 FR at 3108–09 (requirement to consider smoke management practices and smoke management programs under 40 CFR 51.308(f)(2)(iv) does not require states to adopt such practices or programs into their SIPs, although they may elect to do so).

[25] See *Arizona ex rel. Darwin* v. *U.S. EPA,* 815 F.3d 519, 531 (9th Cir. 2016); *Nebraska* v. *U.S. EPA,* 812 F.3d 662, 668 (8th Cir. 2016); *North Dakota* v. *EPA,* 730 F.3d 750, 761 (8th Cir. 2013); *Oklahoma* v. *EPA,* 723 F.3d 1201, 1206, 1208–10 (10th Cir. 2013); cf. also *Nat'l Parks Conservation Ass'n* v. *EPA,* 803 F.3d 151, 165 (3d Cir. 2015); *Alaska Dep't of Envtl. Conservation* v. *EPA,* 540 U.S. 461, 485, 490 (2004).

[26] The five ''additional factors'' for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

provided further guidance on the five additional factors in the 2021 Clarifications Memo, explaining that a state should generally not reject cost-effective and otherwise reasonable controls merely because there have been emission reductions since the first planning period owing to other ongoing air pollution control programs or merely because visibility is otherwise projected to improve at Class I areas. Additionally, states should not rely on these additional factors to summarily assert that the state has already made sufficient progress and, therefore, no sources need to be selected or no new controls are needed regardless of the outcome of four-factor analyses. States can, however, consider these factors in a more tailored manner, *e.g.,* in choosing between multiple control options when all are reasonable based on the four statutory factors.[27] 2021 Clarifications Memo at 13.

Because the air pollution that causes regional haze crosses state boundaries, § 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. Consultation allows for each state that impacts visibility in an area to share whatever technical information, analyses, and control determinations may be necessary to develop coordinated emission management strategies. This coordination may be managed through inter- and intra-RPO consultation and the development of regional emissions strategies; additional consultations between states outside of RPO processes may also occur. If a state, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP. 40 CFR 51.308(f)(2)(ii)(A). Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources. 40 CFR 51.308(f)(2)(ii)(B). If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement. 40 CFR 51.308(f)(2)(ii)(C). The EPA will consider the technical information and explanations presented by the submitting state and the state with which it disagrees when considering whether to approve the state's SIP. See *id.;* 2019 Guidance at 53. Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states. 40 CFR 51.308(f)(2)(ii)(C).

D. Reasonable Progress Goals

Reasonable progress goals ''measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis.'' 82 FR at 3091. Their primary purpose is to assist the public and the EPA in assessing the reasonableness of states' long-term strategies for making reasonable progress towards the national visibility goal. See 40 CFR 51.308(f)(3)(iii)–(iv). States in which Class I areas are located must establish two RPGs, both in deciviews—one representing visibility conditions on the clearest days and one representing visibility on the most anthropogenically impaired days—for each area within their borders. 40 CFR 51.308(f)(3)(i). The two RPGs are intended to reflect the projected impacts, on the two sets of days, of the emission reduction measures the state with the Class I area, as well as all other contributing states, have included in their long-term strategies for the second implementation period.[28] The RPGs also account for the projected impacts of implementing other CAA requirements, including non-SIP based requirements. Because RPGs are the modeled result of the measures in states' long-term strategies (as well as other measures required under the CAA), they cannot be determined before states have conducted their four-factor analyses and determined the control measures that are necessary to make reasonable progress. See 2021 Clarifications Memo at 6.

For the second implementation period, the RPGs are set for 2028. Reasonable progress goals are not enforceable targets, 40 CFR 51.308(f)(3)(iii); rather, they ''provide a way for the states to check the projected outcome of the [long-term strategy] against the goals for visibility improvement.'' 2019 Guidance at 46. While states are not legally obligated to achieve the visibility conditions described in their RPGs, § 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.'' Thus, states are required to have emission reduction measures in their long-term strategies that are projected to achieve visibility conditions on the most impaired days that are better than the baseline period and shows no degradation on the clearest days compared to the clearest days from the baseline period. The baseline period for the purpose of this comparison is the baseline visibility condition—the annual average visibility condition for the period 2000–2004. See 40 CFR 51.308(f)(1)(i), 82 FR at 3097–98.

So that RPGs may also serve as a metric for assessing the amount of progress a state is making towards the national visibility goal, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.,* if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy. 40 CFR 51.308(f)(3)(ii). To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.'' The 2019

[27] In particular, EPA explained in the 2021 Clarifications Memo that states should not rely on the considerations in 40 CFR 51.308(f)(2)(iv)(A) and (E) to summarily assert that the state has already made sufficient progress and therefore does not need to achieve any additional emission reductions. 2021 Clarifications Memo at 13.

[28] RPGs are intended to reflect the projected impacts of the measures all contributing states include in their long-term strategies. However, due to the timing of analyses and of control determinations by other states, other on-going emissions changes, a particular state's RPGs may not reflect all control measures and emissions reductions that are expected to occur by the end of the implementation period. The 2019 Guidance provides recommendations for addressing the timing of RPG calculations when states are developing their long-term strategies on disparate schedules, as well as for adjusting RPGs using a post-modeling approach. 2019 Guidance at 47–48.

Guidance provides suggestions about how such a ''robust demonstration'' might be conducted. See 2019 Guidance at 50–51.

The 2017 RHR, 2019 Guidance, and 2021 Clarifications Memo also explain that projecting an RPG that is on or below the URP based on only on-the-books and/or on-the-way control measures (*i.e.,* control measures already required or anticipated before the four-factor analysis is conducted) is not a ''safe harbor'' from the CAA's and RHR's requirement that all states must conduct a four-factor analysis to determine what emission reduction measures constitute reasonable progress. The URP is a planning metric used to gauge the amount of progress made thus far and the amount left before reaching natural visibility conditions. However, the URP is not based on consideration of the four statutory factors and therefore cannot answer the question of whether the amount of progress being made in any particular implementation period is ''reasonable progress.'' See 82 FR at 3093, 3099–3100; 2019 Guidance at 22; 2021 Clarifications Memo at 15–16.

E. Monitoring Strategy and Other State Implementation Plan Requirements

Section 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this subsection apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. A state with Class I areas within its borders must submit with its SIP revision a monitoring strategy for measuring, characterizing, and reporting regional haze visibility impairment that is representative of all Class I areas within the state. SIP revisions for such states must also provide for the establishment of any additional monitoring sites or equipment needed to assess visibility conditions in Class I areas, as well as reporting of all visibility monitoring data to the EPA at least annually. Compliance with the monitoring strategy requirement may be met through a state's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program. 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv). The IMPROVE monitoring data is used to determine the 20% most anthropogenically impaired and 20% clearest sets of days every year at each Class I area and tracks visibility impairment over time.

All states' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas. 40 CFR 51.308(f)(6)(ii), (iii). *S*ection 51.308(f)(6)(v) further requires that all states' SIPs provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area; the inventory must include emissions for the most recent year for which data are available and estimates of future projected emissions. States must also include commitments to update their inventories periodically. The inventories themselves do not need to be included as elements in the SIP and are not subject to EPA review as part of the Agency's evaluation of a SIP revision.[29] All states' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for states to assess and report on visibility. 40 CFR 51.308(f)(6)(vi). Per the 2019 Guidance, a state may note in its regional haze SIP that its compliance with the Air Emissions Reporting Rule (AERR) in 40 CFR part 51 Subpart A satisfies the requirement to provide for an emissions inventory for the most recent year for which data are available. To satisfy the requirement to provide estimates of future projected emissions, a state may explain in its SIP how projected emissions were developed for use in establishing RPGs for its own and nearby Class I areas.[30]

Separate from the requirements related to monitoring for regional haze purposes under 40 CFR 51.308(f)(6), the RHR also contains a requirement at § 51.308(f)(4) related to any additional monitoring that may be needed to address visibility impairment in Class I areas from a single source or a small group of sources. This is called ''reasonably attributable visibility impairment.'' [31] Under this provision, if the EPA or the FLM of an affected Class I area has advised a state that additional monitoring is needed to assess reasonably attributable visibility impairment, the state must include in its SIP revision for the second implementation period an appropriate strategy for evaluating such impairment.

F. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires a state's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a state's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement. See 81 FR 26942, 26950 (May 4, 2016), (82 FR at 3119, January 10, 2017). To this end, every state's SIP revision for the second implementation period is required to describe the status of implementation of all measures included in the state's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions. 40 CFR 51.308(g)(1) and (2).

A core component of the progress report requirements is an assessment of changes in visibility conditions on the clearest and most impaired days. For second implementation period progress reports, § 51.308(g)(3) requires states with Class I areas within their borders to first determine current visibility conditions for each area on the most impaired and clearest days, 40 CFR 51.308(g)(3)(i)(B), and then to calculate the difference between those current conditions and baseline (2000–2004) visibility conditions in order to assess progress made to date. See 40 CFR 51.308(g)(3)(ii)(B). States must also assess the changes in visibility impairment for the most impaired and clearest days since they submitted their first implementation period progress reports. See 40 CFR 51.308(g)(3)(iii)(B), (f)(5). Since different states submitted their first implementation period progress reports at different times, the starting point for this assessment will vary state by state.

Similarly, states must provide analyses tracking the change in emissions of pollutants contributing to visibility impairment from all sources and activities within the state over the period since they submitted their first implementation period progress reports. See 40 CFR 51.308(g)(4), (f)(5). Changes in emissions should be identified by the

[29] See ''Step 8: Additional requirements for regional haze SIPs'' in 2019 Regional Haze Guidance at 55.

[30] *Id.*

[31] EPA's visibility protection regulations define ''reasonably attributable visibility impairment'' as ''visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.'' 40 CFR 51.301.

type of source or activity. Section 51.308(g)(5) also addresses changes in emissions since the period addressed by the previous progress report and requires states' SIP revisions to include an assessment of any significant changes in anthropogenic emissions within or outside the state. This assessment must include an explanation of whether these changes in emissions were anticipated and whether they have limited or impeded progress in reducing emissions and improving visibility relative to what the state projected based on its long-term strategy for the first implementation period.

G. Requirements for State and Federal Land Manager Coordination

Clean Air Act section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states ''provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy.'' 40 CFR 51.308(i)(2). Consultation that occurs 120 days prior to any public hearing or public comment opportunity will be deemed ''early enough,'' but the RHR provides that in any event the opportunity for consultation must be provided at least 60 days before a public hearing or comment opportunity. This consultation must include the opportunity for the FLMs to discuss their assessment of visibility impairment in any Class I area and their recommendations on the development and implementation of strategies to address such impairment. 40 CFR 51.308(i)(2). In order for the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the state addressed any comments provided by the FLMs. 40 CFR 51.308(i)(3). Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas. 40 CFR 51.308(i)(4).

IV. The EPA's Evaluation of New Jersey's Regional Haze Submission for the Second Implementation Period

A. Background on New Jersey's First Implementation Period SIP Submission

NJDEP submitted its regional haze SIP for the first implementation period to the EPA on July 28, 2009, and supplemented it on December 9, 2010, March 2, 2011, and December 7, 2011. The EPA approved New Jersey's first implementation period regional haze SIP submission on January 3, 2012 (77 FR 19, January 3, 2012). EPA's approval included, but was not limited to, the portions of the plan that address the reasonable progress requirements, New Jersey's implementation of Best Available Retrofit Technologies on eligible sources, and New Jersey's Subchapter 9,[32] Sulfur in Fuels rule. The requirements for regional haze SIPs for the first implementation period are contained in 40 CFR 51.308(d) and (e). 40 CFR 51.308(b). Pursuant to 40 CFR 51.308(g), New Jersey was also responsible for submitting a five-year progress report as a SIP revision for the first implementation period, which it did on June 28, 2016. The EPA approved the progress report into the New Jersey SIP on September 29, 2017 (82 FR 45472, September 29, 2017).

B. New Jersey's Second Implementation Period SIP Submission and the EPA's Evaluation

In accordance with CAA sections 169A and the RHR at 40 CFR 51.308(f), on March 26, 2020,[33] NJDEP submitted a revision to the New Jersey SIP to address its regional haze obligations for the second implementation period, which runs through 2028. New Jersey made its 2020 Regional Haze SIP submission available for public comment on August 22, 2019. NJDEP received and responded to public comments and included the comments and responses to those comments in their submission.

The following sections describe New Jersey's SIP submission, including analyses conducted by MANE–VU and New Jersey's determinations based on those analyses, New Jersey's assessment of progress made since the first implementation period in reducing emissions of visibility impairing pollutants, and the visibility improvement progress at its Class I area and nearby Class I areas. This notice also contains EPA's evaluation of New Jersey's submission against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

C. Identification of Class I Areas

Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f), which provides that each state's plan ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,'' and (f)(2), which requires each state's plan to include a long-term strategy that addresses regional haze in such Class I areas.

The EPA explained in the 1999 RHR preamble that the CAA section 169A(b)(2) requirement that states submit SIPs to address visibility impairment establishes ''an 'extremely low triggering threshold' in determining which States should submit SIPs for regional haze.'' 64 FR at 35721. In concluding that each of the contiguous 48 states and the District of Columbia meet this threshold,[34] the EPA relied on ''a large body of evidence demonstrat[ing] that long-range transport of fine PM contributes to regional haze,'' *id.,* including modeling studies that ''preliminarily demonstrated that each State not having a Class I area had emissions contributing to impairment in at least one downwind Class I area.'' *Id.* at 35722. In addition to the technical evidence supporting a conclusion that each state contributes to *existing* visibility impairment, the EPA also explained that the second half of the national visibility goal—preventing *future* visibility impairment—requires having a framework in place to address future growth in visibility-impairing emissions and makes it inappropriate to ''establish criteria for excluding States

[32] See N.J.A.C. 7:27–9 ''Sulfur in Fuels''.

[33] NJDEP supplemented its SIP submission on September 8, 2020, and April 1, 2021.

[34] EPA determined that ''there is more than sufficient evidence to support our conclusion that emissions from each of the 48 contiguous states and the District of Columba may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area.'' 64 FR at 35721. Hawaii, Alaska, and the U.S. Virgin Islands must also submit regional haze SIPs because they contain Class I areas.

or geographic areas from consideration as potential contributors to regional haze visibility impairment.'' *Id.* at 35721. Thus, the EPA concluded that the agency's ''statutory authority and the scientific evidence are sufficient to require all States to develop regional haze SIPs to ensure the prevention of any future impairment of visibility, and to conduct further analyses to determine whether additional control measures are needed to ensure reasonable progress in remedying existing impairment in downwind Class I areas.'' *Id.* at 35722. EPA's 2017 revisions to the RHR did not disturb this conclusion. *See* 82 FR at 3094.

New Jersey has one mandatory Class I Federal area within its borders, the Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge. For the second implementation period, MANE–VU performed technical analyses [35] to help assess source and state-level contributions to visibility impairment and the need for interstate consultation. MANE–VU used the results of these analyses to determine which states' emissions ''have a high likelihood of affecting visibility in MANE–VU's Class I areas.'' [36] Similar to metrics used in the first implementation period,[37] MANE–VU used a greater than 2 percent of sulfate plus nitrate emissions contribution criteria to determine whether emissions from individual jurisdictions within the region affected visibility in any Class I areas. The MANE–VU analyses for the second implementation period used a combination of data analysis techniques, including emissions data, distance from Class I areas, wind trajectories, and CALPUFF dispersion modeling. Although many of the analyses focused only on SO_2 emissions and resultant particulate sulfate contributions to visibility impairment, some also incorporated NO_X emissions to estimate particulate nitrate contributions.

One MANE–VU analysis used for contribution assessment was CALPUFF air dispersion modeling. The CALPUFF model was used to estimate sulfate and nitrate formation and transport in MANE–VU and nearby regions originating from large electric generating unit (EGU) point sources and other large industrial and institutional sources in the eastern and central United States. Information from an initial round of CALPUFF modeling was collated for the 444 EGUs that were determined to warrant further scrutiny based on their emissions of SO_2 and NO_X. The list of EGUs was based on an enhanced ''Q/d'' analysis [38] that considered recent SO_2 emissions in the eastern United States and an analysis that adjusted previous 2002 MANE–VU CALPUFF modeling by applying a ratio of 2011 to 2002 SO_2 emissions. This list of sources was then enhanced by including the top five SO_2 and NO_X emission sources for 2011 for each state included in the modeling domain. A total of 311 EGU stacks (as opposed to individual units) were included in the CALPUFF modeling analysis. Initial information was also collected on the 50 industrial and institutional sources that, according to 2011 Q/d analysis, contributed the most to visibility impact in each Class I area. The ultimate CALPUFF modeling run included a total of 311 EGU stacks and 82 industrial facilities. The summary report for the CALPUFF modeling included the top 10 most impacting EGUs and the top 5 most impacting industrial/institutional sources for each Class I area and compiled those results into a ranked list of the most impacting EGUs and industrial sources at MANE–VU Class I areas.[39]

New Jersey had an EGU and two industrial/institutional sources that were included in the MANE–VU CALPUFF modeling.[40] The modeling identified the EGU facility BL England (units 1, 2 & 3) as impacting the Brigantine Wilderness, Dolly Sods and Shenandoah Class I areas. Unit 1 ranked 4th on MANE–VU's list and units 2 & 3 ranked 10th for impacts at the Brigantine Wilderness Class I area. Although BL England impacted the Dolly Sods and Shenandoah Class I areas, it did not rank amongst the top 10 impacting EGUs. The two industrial/institutional sources identified by the modeling were Atlantic County Utilities Authority (ACUA), which ranked 5th for impacts at the Brigantine Wilderness Class I area, and Gerresheimer Moulded Glass, which was not ranked among the top 5 visibility impairing industrial/institutional sources at any Class I areas. In its submittal, New Jersey indicates that BL England ceased operations and shut down in May of 2019. NJDEP's Southern Air Compliance and Enforcement office conducted a site investigation at BL England September 20, 2019, and observed that units 1, 2, and 3 are decommissioned and rendered inoperable. On December 3, 2019, the NJDEP terminated the air operating permit at BL England Generating Station.[41] Additionally, at the time of the analysis, the industrial, commercial and institutional (ICI) boilers at ACUA and Gerresheimer Moulded Glass (now Corning Pharmaceutical Glass) contributed 1.67 inverse megameters (Mm–1) and 1.0 Mm–1, respectively, based on their close proximity to Brigantine. However, this assessment was based on the sources' 2011 configurations and emission rates. Currently, there are no permitted ICI boilers at these facilities. In 2019, ACUA's emissions were 19 tons per year (tpy) for NO_X and 19 tpy for SO_2, while the 2011 emissions of SO_2 were 907.88 tpy. The 2019 annual emissions at Corning Pharmaceuticals were 54 tpy for NO_X and 1 tpy for SO_2, while the 2011 emissions of SO_2 were 3,007.04 tpy.[42]

The second MANE–VU contribution analysis used a meteorologically weighted Q/d calculation to assess states' contributions to visibility impairment at MANE–VU Class I areas.[43] This analysis focused predominantly on SO_2 emissions and used cumulative SO_2 emissions from a source and a state for the variable ''Q,'' and the distance of the source or state to the IMPROVE monitor receptor at a Class I area as ''d.'' The result is then multiplied by a constant (C_i), which is determined based on the prevailing wind patterns. MANE–VU selected a meteorologically weighted Q/d analysis as an inexpensive initial screening tool that could easily be repeated to determine which states, sectors, or sources have a larger relative impacts and warrant further analysis. MANE–VU's analysis estimated New Jersey's maximum sulfate contribution was 1.32% at the Brigantine Wilderness Class I area based on the maximum daily impact; New Jersey's SO_2 emission contribution did not exceed 1% for any other Class I area. Although MANE–VU did not originally estimate nitrate impacts, the MANE–VU Q/d analysis was subsequently extended to account for nitrate contributions from NO_X emissions and to approximate the

[35] The contribution assessment methodologies for MANE–VU Class I areas are summarized in appendix E1 of the docket. ''Selection of States for MANE–VU Regional Haze Consultation (2018).''

[36] *Id.*

[37] See docket EPA–R02–OAR–2011–0607 for MANE–VU supporting materials.

[38] ''Q/d'' is emissions (Q) in tons per year, typically of one or a combination of visibility-impairing pollutants, divided by distance to a class I area (d) in kilometers. The resulting ratio is commonly used as a metric to assess a source's potential visibility impacts on a particular class I area.

[39] See appendix F1 in the docket, ''MANE–VU CALPUFF Modeling Report—Final.''

[40] See tables 4, 5, 6, 34 and 35 in appendix F1 in the docket.

[41] See appendix J9, ''BL England Operating Permit Termination Letter—Final.''

[42] See Table 3–2 ''82 Industrial Sources Evaluated for Impact at MANE–VU Class I Areas'' in the NJ Regional Haze SIP—Final March 2020.

[43] See appendix G1, ''Contribution Assessment 2006—Final.''

nitrate impacts from area and mobile sources. MANE–VU therefore developed a ratio of nitrate to sulfate impacts based on the previously described CALPUFF modeling and applied those to the sulfate Q/d results in order to derive nitrate contribution estimates. Several states did not have CALPUFF nitrate to sulfate ratio results, however, because there were no point sources modeled with CALPUFF.

In order to develop a final set of contribution estimates, MANE–VU weighted the results from both the Q/d and CALPUFF analyses. The MANE–VU mass-weighted sulfate and nitrate contribution results were reported for the MANE–VU Class I areas (the Q/d summary report included results for several non-MANE–VU areas as well). If a state's contribution to sulfate and nitrate concentrations at a particular Class I area was 2 percent or greater, MANE–VU regarded that state as contributing to visibility impairment in that area. According to MANE–VU's analyses, sources in New Jersey have been found to contribute to visibility impairment at its own Class I area, the Brigantine Wilderness, and at the Dolly Sods Wilderness in West Virginia and Shenandoah National Park in Virginia. However, because New Jersey's mass-weighted contribution to sulfate and nitrate concentrations exceeded the 2 percent threshold only at Brigantine Wilderness (New Jersey's contribution was 2.2%), the RPO and New Jersey determined that it did not contribute to visibility impairment at Dolly Sods, Shenandoah, or any other Class I area.

As explained above, the EPA concluded in the 1999 RHR that ''all [s]tates contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area,'' 64 FR at 35721, and this determination was not changed in the 2017 RHR. Critically, the statute and regulation both require that the cause-or-contribute assessment consider all emissions of visibility-impairing pollutants from a state, as opposed to emissions of a particular pollutant or emissions from a certain set of sources. Consistent with these requirements, the 2019 Guidance makes it clear that ''all types of anthropogenic sources are to be included in the determination'' of whether a state's emissions are reasonably anticipated to result in any visibility impairment. 2019 Guidance at 8.

First, as an aside, the screening analyses on which MANE–VU relied are useful for certain purposes. MANE–VU used information from its technical analysis to rank the largest contributing states to sulfate and nitrate impairment in five Class I areas within MANE–VU states and three additional, nearby Class I areas.[44] The rankings were used to determine upwind states that were deemed important to include in state-to-state consultation (based on an identified impact screening threshold). Additionally, large individual source impacts were used to target MANE–VU control analysis ''Asks'' [45] of states and sources both within and upwind of MANE–VU.[46] The EPA finds the nature of the analyses generally appropriate to support decisions on states with which to consult. However, we have cautioned that source selection methodologies that target the largest regional contributors to visibility impairment across multiple states may not be reasonable for a particular state if it results in few or no sources being selected for subsequent analysis. 2021 Clarifications Memo at 3.

With regard to the analysis and determinations regarding New Jersey's contribution to visibility impairment at out-of-state Class I areas, the MANE–VU technical work focuses on the magnitude of visibility impacts from certain New Jersey emissions on its Class I area and other nearby Class I areas. However, the analyses did not account for all emissions and all components of visibility impairment (*e.g.,* primary PM emissions, and impairment from fine PM, elemental carbon, and organic carbon). In addition, Q/d analyses with a relatively simplistic accounting for wind trajectories and CALPUFF applied to a very limited set of EGUs and major industrial sources of SO_2 and NO_X are not scientifically rigorous tools capable of evaluating contribution to visibility impairment from *all* emissions in a state. The EPA does agree that the contribution to visibility impairment from New Jersey's emissions at nearby out-of-state Class I areas is smaller than that from numerous other MANE–VU states.[47] And while New Jersey noted that the contributions from several states outside the MANE–VU region are significantly larger than its own, we again clarify that each state is obligated under the CAA and RHR to address regional haze visibility impairment resulting from emissions from within the state, irrespective of whether another state's contribution is greater. See 2021 Clarifications Memo at 3. Additionally, we note that the 2 percent or greater sulfate-plus-nitrate threshold used to determine whether New Jersey emissions contribute to visibility impairment at a particular Class I area may be higher than what EPA believes is an ''extremely low triggering threshold'' intended by the statute and regulations. In sum, based on the information provided, it is clear that emissions from New Jersey contribute to Brigantine Wilderness and have relatively small contributions to other out-of-state Class I areas. However, due to the low triggering threshold implied by the Rule and the lack of rigorous modeling analyses, we do not necessarily agree with New Jersey's conclusion that, based on a 2% contribution threshold, it does not contribute to visibility impairment at any Class I areas outside the state.

Regardless, we note that New Jersey did determine that sources and emissions within the state contribute to visibility impairment at both Brigantine and two out-of-state Class I areas. Furthermore, the state took part in the emission control strategy consultation process as a member of MANE–VU. As part of that process, MANE–VU developed a set of emissions reduction measures identified as being necessary to make reasonable progress in the five MANE–VU Class I areas. This strategy consists of six Asks for states within MANE–VU and five Asks for states outside the region that were found to impact visibility at Class I areas within MANE–VU.[48] New Jersey's submission discusses each of the Asks and explains why or why not each is applicable and how it has complied with the relevant components of the emissions control strategy MANE–VU has laid out for its states. New Jersey worked with MANE–VU to determine potential reasonable measures that could be implemented by 2028, considering the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts, and the remaining useful life of any potentially affected sources. As discussed in further

[44] The Class I areas analyzed were Acadia National Park in Maine, Brigantine Wilderness in New Jersey, Great Gulf Wilderness in New Hampshire, Lye Brook Wilderness in Vermont, Moosehorn Wilderness in Maine, Shenandoah National Park in Virginia, James River Face Wilderness in Virginia, and Dolly Sods/Otter Creek Wildernesses in West Virginia.

[45] As explained more fully in Section IV.E.a, MANE–VU refers to each of the components of its overall strategy as an ''Ask ''of its member states.

[46] The MANE–VU consultation report (Appendix D) explains that ''[t]he objective of this technical work was to identify states and sources from which MANE–VU will pursue further analysis. This screening was intended to identify which states to invite to consultation, not a definitive list of which states are contributing.''

[47] Because MANE–VU did not include all New Jersey's emissions or contributions to visibility impairment in its analysis, we cannot definitely state that New Jersey's contribution to visibility impairment is not the most significant. However, that is very likely the case.

[48] See appendix B, ''Asks—Final.''

detail below, the EPA is proposing to find that New Jersey has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. Thus, although we have concerns regarding some aspects of MANE–VU's technical analyses supporting states' contribution determinations, we propose to find that New Jersey has nevertheless satisfied the applicable requirements for making reasonable progress towards natural visibility conditions in Class I areas that may be affected by emissions from the state.

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

Section 51.308(f)(1) requires states to determine the following for ''each mandatory Class I Federal area located within the State'': baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives. 40 CFR 51.308(f)(1)(vi)(B).

Brigantine Wilderness Area has 2000–2004 baseline visibility conditions of 14.33 deciviews on the 20% clearest days and 27.43 deciviews on the 20% most impaired days. New Jersey calculated an estimated natural background visibility of 5.52 deciviews on the 20% clearest days and 10.69 deciviews on the 20% most impaired days for the Brigantine Wilderness Area.[49] The current visibility conditions, which are based on 2013–2017 monitoring data, were 11.48 deciviews on the clearest days and 19.86 deciviews on the most impaired days, which are 5.96 deciviews and 9.17 deciviews greater than natural conditions on the respective sets of days.[50] New Jersey calculated an annual URP of 0.28 deciviews needed to reach natural visibility on the 20% most impaired days.[51] New Jersey's URP in 2028 on 20% most impaired visibility days is 20.74 deciviews. New Jersey noted that its modeled ''2028 Base Case'' and ''2028 Control Case'' are both below the URP. New Jersey did not choose to adjust its URP for international anthropogenic impacts or to account for the impacts of wildland prescribed fires. EPA is proposing to find that New Jersey has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(1) related to the calculations of baseline, current, and natural visibility conditions; progress to date; and the uniform rate of progress for the second implementation period.

E. Long-Term Strategy for Regional Haze

a. New Jersey's Response to the Six MANE–VU Asks

Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal. CAA 169A(b)(2)(B). As explained in the Background section of this notice, reasonable progress is achieved when all states contributing to visibility impairment in a Class I area are implementing the measures determined—through application of the four statutory factors to sources of visibility impairing pollutants—to be necessary to make reasonable progress. 40 CFR 51.308(f)(2)(i). Each state's long-term strategy must include the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress. 40 CFR 51.308(f)(2). All new (*i.e.,* additional) measures that are the outcome of four-factor analyses are necessary to make reasonable progress and must be in the long-term strategy. If the outcome of a four-factor analysis is that no new measures are reasonable for a source, that source's existing measures are necessary to make reasonable progress, unless the state can demonstrate that the source will continue to implement those measures and will not increase its emission rate. Existing measures that are necessary to make reasonable progress must also be in the long-term strategy. In developing its long-term strategies, a state must also consider the five additional factors in § 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.,* subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy. 40 CFR 51.308(f)(2)(iii).

The following section summarizes how New Jersey's SIP submission addressed the requirements of § 51.308(f)(2)(i); specifically, it describes MANE–VU's development of the six Asks and how New Jersey addressed each. The EPA's evaluation of New Jersey's SIP revision with regard to the same is contained in the following Section IV.E.b. New Jersey's SIP submission describes how it plans to meet the long-term strategy requirements defined by the state and MANE–VU and provides that ''[t]hese long-term strategies are referred to as the 'Asks'.'' [52]

States may rely on technical information developed by the RPOs of which they are members to select sources for four-factor analysis and to conduct that analysis, as well as to satisfy the documentation requirements under § 51.308(f). Where an RPO has performed source selection and/or four-factor analyses (or considered the five additional factors in § 51.308(f)(2)(iv)) for its member states, those states may rely on the RPO's analyses for the purpose of satisfying the requirements of § 51.308(f)(2)(i) so long as the states have a reasonable basis to do so and all state participants in the RPO process have approved the technical analyses. 40 CFR 51.308(f)(3)(iii). States may also satisfy the requirement of § 51.308(f)(2)(ii) to engage in interstate consultation with other states that have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area under the auspices of intra- and inter-RPO engagement.

New Jersey is a member of the MANE–VU RPO and participated in the RPO's regional approach to developing a strategy for making reasonable progress towards the national visibility goal in the MANE–VU Class I areas. MANE–VU's strategy includes a combination of: (1) Measures for certain source sectors and groups of sectors that the RPO determined were reasonable for states to pursue, and (2) a request for member states to conduct four-factor analyses for individual sources that it

[49] See ''Table 2–1: Comparison of Natural, Baseline, and Current Visibility Conditions in Deciviews for the 20 percent Clearest and 20 percent Most Impaired at Brigantine Wilderness Area'' in the NJ Regional Haze SIP—Final March 2020.

[50] See ''Table 2–2: Current (2017) vs Natural Visibility Conditions at Brigantine Wilderness Area'' in the NJ Regional Haze SIP—Final March 2020.

[51] See ''Table 2–3: Uniform Rate of Progress for Brigantine Wilderness Area'' in the NJ Regional Haze SIP—Final March 2020.

[52] NJ Regional Haze SIP submission at 26.

identified as contributing to visibility impairment. MANE–VU refers to each of the components of its overall strategy as an Ask of its member states. On August 25, 2017, the Executive Director of MANE–VU, on behalf of the MANE–VU states and tribal nations, signed a statement that identifies six emission reduction measures that comprise the Asks for the second implementation period.[53] The Asks were ''designed to identify reasonable emission reduction strategies that must be addressed by the states and tribal nations of MANE–VU through their regional haze SIP updates.'' [54] The statement explains that ''[i]f any State cannot agree with or complete a Class I State's Asks, the State must describe the actions taken to resolve the disagreement in the Regional Haze SIP.'' [55]

MANE–VU's recommendations as to the appropriate control measures were based on technical analyses documented in the RPO's reports and included as appendices to or referenced in New Jersey's regional haze SIP submission. One of the initial steps of MANE–VU's technical analysis was to determine which visibility-impairing pollutants should be the focus of its efforts for the second implementation period. In the first implementation period, MANE–VU determined that sulfates were the most significant visibility impairing pollutant at the region's Class I areas. To determine the impact of certain pollutants on visibility at Class I areas for the purpose of second implementation period planning, MANE–VU conducted an analysis comparing the pollutant contribution on the clearest and most impaired days in the baseline period (2000–2004) to the most recent period (2012–2016) [56] at MANE–VU and nearby Class I areas. MANE–VU found that while SO_2 emissions were decreasing and visibility was improving, sulfates still made up the most significant contribution to visibility impairment at MANE–VU and nearby Class I areas. According to the analysis, NO_X emissions have begun to play a more significant role in visibility impacts in recent years, especially at the Brigantine Wilderness Area. The technical analyses used by New Jersey are included in their submission and are as follows:

- Contributions to Regional Haze in the Northeast and Mid-Atlantic United States (referred to as the Contribution Assessment). August 2006. (Appendix G);
- Assessment of Reasonable Progress for Regional Haze in MANE–VU Class I areas) (referred to as the Reasonable Progress Report) MACTEC 2007. (Appendix H);
- Five-Factor Analysis of BART-Eligible Sources: Survey of Options for Conducting BART Determinations. June 2007 (Appendix J);
- Assessment of Control Technology Options for BART-Eligible Sources: Steam Electric Boilers, Industrial Boilers, Cement Plants and Paper and Pulp Facilities. March 2005. (Appendix J);
- Beyond Sulfate: Maintaining Progress towards Visibility and Health Goals. December 2012. (Appendix J);
- 2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANE–VU Class I Areas (Appendix H);
- Impact of Wintertime SCR/SNCR Optimization on Visibility Impairing Nitrate Precursor Emissions. November 2017. (Appendix J);
- High Electric Demand Days and Visibility Impairment in MANE–VU. December 2017. (Appendix J);
- Benefits of Combined Heat and Power Systems for Reducing Pollutant Emissions in MANE–VU States. March 2016. (Appendix J);
- 2016 MANE–VU Source Contribution Modeling Report—CALPUFF Modeling of Large Electrical Generating Units and Industrial Sources April 4, 2017 (Appendix F);
- Contribution Assessment Preliminary Inventory Analysis. October 10, 2016. (Appendix G);
- EGU Data for Four-Factor Analyses Only CALPUFF Units. (Appendix H);
- Four-Factor Data Collection Memo. March 2017. (Appendix H);
- Status of the Top 167 Stacks from the 2008 MANE–VU Ask. July 2016. (Appendix H).

To support development of the Asks, MANE–VU gathered information on each of the four statutory factors for six source sectors it determined, based on an examination of annual emission inventories, ''had emissions that were reasonabl[y] anticipated to contribute to visibility degradation in MANE–VU:'' electric generating units (EGUs), industrial/commercial/institutional boilers (ICI boilers), cement kilns, heating oil, residential wood combustion, and outdoor wood combustion.[57] MANE–VU also collected data on individual sources within the EGU, ICI boiler, and cement kiln sectors.[58] Information for the six sectors included explanations of technically feasible control options for SO_2 or NO_X, illustrative cost-effectiveness estimates for a range of model units and control options, sector-wide cost considerations, potential time frames for compliance with control options, potential energy and non-air-quality environmental impacts of certain control options, and how the remaining useful lives of sources might be considered in a control analysis.[59] Source-specific data included SO_2 emissions [60] and existing controls [61] for certain existing EGUs, ICI boilers, and cement kilns. MANE–VU considered this information on the four factors as well as the analyses developed by the RPO's Technical Support Committee when it determined specific emission reduction measures that were found to be reasonable for certain sources within two of the sectors it had examined—EGUs and ICI boilers. The Asks were based on this analysis and looked to either optimize the use of existing controls, have states conduct further analysis on EGU or ICI boilers with considerable visibility impacts, implement low sulfur fuel standards, or lock-in lower emission rates.

MANE–VU Ask 1 is ''ensuring the most effective use of control technologies on a year-round basis'' at EGUs with a nameplate capacity larger than or equal to 25 megawatts (MW) with already installed NO_X and/or SO_2 controls.[62] In its submission, New Jersey explained that the control limits required by its Reasonably Available Control Technology rules, SIP-approved N.J.A.C 7:27–19, Control and Prohibition of Air Pollution by Oxides of Nitrogen, include year-round emission limits. Additionally, New Jersey's operating permits require that units run their controls on a year-round basis whenever the units are in operation to ensure the most effective use of control technologies. New Jersey therefore concluded it is meeting Ask 1.

MANE–VU Ask 2 consists of a request that states ''perform a four-factor analysis for reasonable installation or upgrade to emissions controls'' for specified sources. MANE–VU developed

[53] See appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

[54] *Id.*

[55] *Id.*

[56] The period of 2012–2016 was the most recent period for which data was available at the time of analysis.

[57] See appendix H ''MANE–VU Four Factor Data Collection Memo at 1, March 30, 2017.''

[58] See appendix H ''2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANE–VU Class I Areas, Jan. 31, 2016.''

[59] *Id.*

[60] See appendix H ''Four Factor Data Collection Memo.''

[61] See appendix H ''Status of the Top 167 Stacks from the 2008 MANE–VU Ask. July 2016.''

[62] See appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

its Ask 2 list of sources for analysis by performing modeling and identifying facilities with the potential for 3.0 inverse megameters (Mm^{-1}) or greater impacts on visibility at any Class I area in the MANE–VU region. The BL England facility located in Upper Township, Cape May County, New Jersey was identified by MANE–VU [63] as having units—units 2 and 3—with the potential for 3.0 Mm^{-1} or greater visibility impact at any MANE–VU Class I area. The BL England facility permanently shut down in May 2019. The NJDEP Southern Air Compliance and Enforcement office conducted a site investigation at BL England on September 20, 2019, and observed that units 1, 2, and 3 are decommissioned and rendered inoperable. On December 3, 2019, the DEP terminated [64] the air operating permit at BL England Generating Station. New Jersey therefore concluded that it satisfies Ask 2.

Ask 3 is for each MANE–VU state to pursue an ultra low-sulfur fuel oil standard if it has not already done so in the first implementation period. The Ask includes percent by weight standards for #2 distillate oil (0.0015% sulfur by weight or 15 ppm), #4 residual oil (0.25–0.5% sulfur by weight), and #6 residual oil (0.3–0.5% sulfur by weight). On October 25, 2010, New Jersey adopted a rule [65] to modify the sulfur-in-fuel limits in accordance with the MANE–VU Ask. This rule lowered the sulfur content of all distillate fuel oils (#2 fuel oil and lighter) to 15 ppm beginning on July 1, 2016. The sulfur content of #4 fuel oil was lowered to 2,500 ppm and for #6 fuel oil to a range of 3,000 to 5,000 ppm sulfur content beginning July 1, 2014.[66] New Jersey therefore concluded that it is meeting Ask 3.

MANE–VU Ask 4 requests states to update permits to ''lock in'' lower emissions rates for NO_X, SO_2, and PM at emissions sources larger than 250 million British Thermal Units (MMBtu) per hour heat input that have switched to lower emitting fuels. New Jersey's SIP submissions explains that EGUs and other large point emission sources that have switched operations to lower emitting fuels are already locked into the lower emission rates for NO_X, SO_2, and PM by permits, enforceable agreements, and/or rules. These units are required to amend their permits through the New Source Review (NSR) process if they plan to switch back to coal or another fuel that will increase emissions. A change in fuel, unless already allowed in the permit, would be a modification.[67] N.J.A.C. 7:27–22 requires that an application to modify the permit be submitted prior to the change in fuel; New Jersey's preconstruction and operating permit programs are consolidated such that one permit application serves both purposes. New Jersey therefore concluded it is meeting Ask 4.

Ask 5 requests that MANE–VU states ''control NO_X emissions for peaking combustion turbines that have the potential to operate on high electric demand days'' by either: (1) Meeting NO_X emissions standards specified in the Ask for turbines that run on natural gas and fuel oil, (2) performing a four-factor analysis for reasonable installation of or upgrade to emission controls, or (3) obtaining equivalent emission reductions on high electric demand days.[68] The Ask requests states to strive for NO_X emission standards of no greater than 25 ppm for natural gas and 42 ppm for fuel oil, or at a minimum, NO_X emissions standards of no greater than 42 ppm for natural gas and 96 ppm at for fuel oil. New Jersey adopted regulations on March 20, 2009,[69] to control peaking combustion turbines that have the potential to operate on high electric demand days,[70] and the regulations were approved into the SIP (75 FR 45483, August 3, 2010). New Jersey's SIP-approved control levels require 0.75 pounds of NO_X per MWh (25 ppmvd) for natural gas, and 1.20 pounds of NO_X per MWh (42 ppmvd) for oil, for a combined cycle combustion turbine or a regenerative cycle combustion turbine, and 1.00 pounds of NO_X per MWh (25 ppmvd) for natural gas, and 1.60 pounds of NO_X per MWh (42 ppmvd) for oil, for a simple cycle turbine combustion turbine.[71] [72] New Jersey therefore concluded it is meeting Ask 5.

The last Ask for states within MANE–VU (Ask 6) requests states to report in their regional haze SIPs about programs that decrease energy demand and increase the use of combined heat and power (CHP) and other distributed generation technologies such as fuel cells, wind and solar. New Jersey explains that on July 6, 2007, Governor Corzine signed the Global Warming Response Act.[73] The Act requires New Jersey to reduce greenhouse gas emissions by 20 percent by 2020, and by 80 percent by 2050. Measures to meet these requirements will also help reduce SO_2, PM, and NO_X emissions and improve visibility. On January 29, 2018, Governor Phil Murphy signed an Executive Order [74] directing New Jersey's return to full participation in the Regional Greenhouse Gas Initiative (RGGI). Specifically, the Executive Order directs DEP to initiate rulemaking by February 28, 2018. In addition, Governor Murphy sent a letter, dated February 16, 2018, to the RGGI states notifying them of New Jersey's intent to rejoin RGGI ''as a partner in reducing greenhouse gas emissions, improving the health of residents, and growing the economy in our region.'' New Jersey formally rejoined RGGI on June 17, 2019.[75] [76] RGGI is part of Governor Murphy's goal to achieve 100 percent clean energy by 2050. New Jersey's participation in RGGI will shift the state's power sector towards clean and renewable energy sources such as wind, solar, and fuel cells, and will help reduce emissions and improve visibility. New Jersey therefore concluded it is meeting Ask 6.

b. The EPA's Evaluation of New Jersey's Response to the Six MANE–VU Asks and Compliance With § 51.308(f)(2)(i)

The EPA is proposing to find that New Jersey has satisfied the

[63] See Table 4–1 in Chapter 4 of the NJ Regional Haze SIP.

[64] See Appendix J9 ''BL England Operating Permit Termination Letter—Final.''

[65] SIP-approved N.J.A.C. 7:27–9 ''Sulfur in Fuels''.

[66] The maximum sulfur content of #6 fuel oil varies depending on the county where the fuel oil is burned. The northern part of New Jersey has a lower maximum sulfur content for residual fuel oil at 3,000 ppm. While the southern part of New Jersey has a maximum sulfur content of 5,000 ppm. See N.J.A.C. 7:27–9 *et seq. https://www.nj.gov/dep/aqm/rules27.html.*

[67] See N.J.A.C 7:27–22.1, defining ''Modify'' or ''modification'' to ''mean[ ] any physical change in, or change in the method of operation of, existing equipment or control apparatus that increases the amount of actual emissions of any air contaminant emitted by that equipment or control apparatus or that results in the emission of any air contaminant not previously emitted. This term shall not include normal repair and maintenance. A modification may be incorporated into an operating permit through a significant modification, a minor modification, or a seven-day-notice change.''

[68] See appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

[69] See N.J.A.C. 7:27–19: Control and Prohibition of Air Pollution from Oxides of Nitrogen *https://www.state.nj.us/dep/aqm/currentrules/Sub19.pdf.*

[70] High electric demand days are days when higher than usual electrical demands bring additional generation units online, many of which are infrequently operated and may have significantly higher emissions rates of the generation fleet.

[71] See paragraph (g) in N.J.A.C. 7:27–19.5: Stationary combustion turbines *https://www.state.nj.us/dep/aqm/currentrules/Sub19.pdf.*

[72] See docket documents ''Existing Combined Cycle Turbines'' and ''Existing Simple Cycle Turbines.'' For further information.

[73] See N.J.S.A 26:2C–37.

[74] See *https://nj.gov/infobank/eo/056murphy/pdf/EO-7.pdf.*

[75] See *https://www.state.nj.us/dep/aqes/docs/letter-to-rggi-governors20180222.pdf.*

[76] See *https://www.state.nj.us/dep/aqes/docs/co2-budget-adoption.pdf.*

requirements of § 51.308(f)(2)(i) related to evaluating sources and determining the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. We are proposing to find that New Jersey has satisfied the four-factor analysis requirement through its analysis and actions to address MANE–VU Asks 2 and 3. We also propose to find that New Jersey reasonably concluded that it satisfied all six Asks.

As explained above, New Jersey relied on MANE–VU's technical analyses and framework (*i.e.,* the Asks) to select sources and form the basis of its long-term strategy. MANE–VU conducted an inventory analysis to identify the source sectors that produced the greatest amount of SO_2 and NO_X emissions in 2011; inventory data were also projected to 2018. Based on this analysis, MANE–VU identified the top-emitting sectors for each of the two pollutants, which for SO_2 include coal-fired EGUs, industrial boilers, oil-fired EGUs, and oil-fired area sources including residential, commercial, and industrial sources. Major-emitting sources of NO_X include on-road vehicles, non-road vehicles, and EGUs.[77] The RPO's documentation explains that ''[EGUs] emitting SO_2 and NO_X and industrial point sources emitting SO_2 were found to be sectors with high emissions that warranted further scrutiny. Mobile sources were not considered in this analysis because any ask concerning mobile sources would be made to EPA and not during the intra-RPO and inter-RPO consultation process among the states and tribes.'' [78] EPA proposes to find that New Jersey reasonably evaluated the two pollutants—SO_2 and NO_X—that currently drive visibility impairment within the MANE–VU region and that it adequately explained and supported its decision to focus on these two pollutants through its reliance on the MANE–VU technical analyses cited in its submission.

Section 51.308(f)(2)(i) requires states to evaluate and determine the emission reduction measures that are necessary to make reasonable progress by applying the four statutory factors to sources in a control analysis. As explained previously, the MANE–VU Asks are a mix of measures for sectors and groups of sources identified as reasonable for states to address in their regional haze plans. While MANE–VU formulated the Asks to be ''reasonable emission reduction strategies'' to control emissions of visibility impairing pollutants,[79] EPA believes that two of the Asks, in particular, engage with the requirement that states determine the emission reduction measures that are necessary to make reasonable progress through consideration of the four factors. As laid out in further detail below, the EPA is proposing to find that MANE–VU's four-factor analysis conducted to support the emission reduction measures in Ask 3 (ultra-low sulfur fuel oil Ask), in conjunction with New Jersey's supplemental analysis and explanation of how it has complied with Ask 2 (perform four-factor analyses for sources with potential for ≥3.0 Mm^{-1} impacts) satisfy the requirement of § 51.308(f)(2)(i). The emission reduction measures that are necessary to make reasonable progress must be included in the long-term strategy, *i.e.,* in New Jersey's SIP. 40 CFR 51.308(f)(2).

We acknowledge that MANE–VU and New Jersey provided information on the four statutory factors for several source categories, including EGUs, ICI boilers, cement and lime kilns, heating oil, and residential wood combustion. See April 2021 Supplemental Information at 2; 2020 New Jersey SIP Submission Appendix H–2. However, other than for Asks 2 (requesting four-factor analyses be conducted) and 3 (requesting adoption of low-sulfur fuel oil), it is not apparent from the documentation provided with New Jersey's SIP submission how the measures included in each of the Asks are the result of consideration of that information. See 40 CFR 51.308(f)(2)(i) (SIPs must include a description of ''how the four factors were taken into consideration in selecting the measures for inclusion in [the state's] long-term strategy'').

As for Ask 1, New Jersey asserted that it satisfies Ask 1 because its SIP-approved regulations applicable to EGU boilers include year-round emission limits and because it already requires that controls be run year-round for both NO_X [80] and SO_2 by setting emission limits in permits that reflect the emission levels when the controls are run. New Jersey's SIP-approved (83 FR 50506, October 9, 2018) NO_X reasonably available control technology (RACT) limits for boilers serving EGUs applies to any boiler serving an electric generating unit and requires year-round controls. The New Jersey RACT rule includes maximum allowable NO_X emission limits of 1.50 pounds per megawatt hour for coal boilers, 2.00 pounds per megawatt hour for fuel oils heavier than No. 2 fuel oil and 1.00 pounds per megawatt hour for No. 2 and lighter fuel oil and gas only fired boilers.[81] New Jersey's SIP-approved sulfur limits include year-round limits (75 FR 45483, August 3, 2010), (77 FR 19, January 3, 2012). Under these rules, any source that combusts solid fuel shall emit SO_2 at a 24-hour emission rate no greater than 0.250 pounds per 1,000,000 BTU gross heat input for every calendar day, and at a 30-calendar-day rolling average emission rate no greater than 0.150 pounds per 1,000,000 BTU gross heat input.[82] New Jersey set a range of 24-hour emission limits for sources combusting fuel oils based on location within the state and type of fuel oil. The emission limits ranged from 0.00160 pounds per million BTU for No. 2 and lighter fuel oil, regardless of location within the state to 0.530 pounds per million BTU for No. 5, No. 6, and heavier fuel oils in certain part of the state.[83] New Jersey's SIP-approved SO_2 and NO_X RACT requirements in N.J.A.C. 7:27–9, 7:27–10, and 7:27–19, which include Subchapter 19.4 ''Boilers serving electric generating units'' and Subchapter 19.5 ''Stationary combustion turbines,'' limit SO_2 and NO_X emissions from EGUs consistent with the year-round operation of control technologies. EPA thus proposes to find that New Jersey reasonably concluded that has satisfied Ask 1.

Ask 2 addresses the sources MANE–VU determined have the potential for larger than, or equal to, 3.0 Mm^{-1} visibility impact at any MANE–VU Class I area; the Ask requests MANE–VU states to conduct four-factor analyses for the specified sources within their borders. This Ask explicitly engages with the statutory and regulatory requirement to determine reasonable progress based on the four factors; MANE–VU considered it ''reasonable to have the greatest contributors to visibility impairment conduct a four-factor analysis that would determine whether emission control measures should be pursued and what would be reasonable for each source.'' [84]

As an initial matter, EPA does not necessarily agree that 3.0 Mm^{-1} visibility impact is a reasonable threshold for source selection. The RHR recognizes that, due to the nature of regional haze visibility impairment,

[77] See appendix G ''Contribution Assessment—Final.''

[78] See Appendix B ''Asks—Final.''

[79] *Id.*

[80] See N.J.A.C. 7:27–19 ''Control and Prohibition of Air Pollution by Oxides of Nitrogen.''

[81] See N.J.A.C. 7:27–19.4 ''Boilers serving electric generating units.''

[82] See N.J.A.C. 7:27–10 ''Sulfur in Solid Fuels.''

[83] See N.J.A.C. 7:27–9 ''Sulfur in Fuels''.

[84] See Appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

numerous and sometimes relatively small sources may need to be selected and evaluated for control measures in order to make reasonable progress. See 2021 Clarifications Memo at 4. As explained in the 2021 Clarifications Memo, while states have discretion to choose any source selection threshold that is reasonable, ''[a] state that relies on a visibility (or proxy for visibility impact) threshold to select sources for four-factor analysis should set the threshold at a level that captures a meaningful portion of the state's total contribution to visibility impairment to Class I areas.'' 2021 Memo at 3. In this case, the 3.0 Mm^{-1} threshold identified only one source in New Jersey (and only 22 across the entire MANE–VU region), indicating that it may be unreasonably high. However, while New Jersey did not select additional sources that fell under MANE–VU's 3.0 Mm^{-1} threshold for four-factor analysis, it did provide supplemental information and explanation supporting its decision not to do so.

MANE–VU identified two units at the BL England facility, a coal- and oil-fired power plant, as having a 5.6 Mm^{-1} visibility impact and thus meeting its threshold for four-factor analysis. New Jersey's SIP submission indicates it had intended to perform a four-factor analysis on BL England, however, the plant permanently shut down and all permits were terminated prior to the state initiating that analysis.[85] The state then looked at other sources with visibility impacts less than 3.0 $Mm;^{-1}$ New Jersey explained that emissions from the units it examined are well-controlled and most of the units were found to have much lower visibility impacts). The state's supplemental information [86] indicates that next highest-impacting EGU in New Jersey, Hudson Generating Station, ranked 74th in MANE–VU's top impacting EGU stacks list and had a maximum extinction impact of 0.91 Mm^{-1} based on 2015 emissions. The next highest impacting stacks were at Mercer Generating Station, units 1 and 2, which ranked 223rd and 224th on the EGU list and had a maximum extinction impact of approximately 0 Mm^{-1} based on 2015 emissions. The Hudson and Mercer Generating Stations shut down permanently on June 1, 2017. At the time of SIP submission, the largest remaining sources in the state of New Jersey were three coal boilers operating at two cogeneration power plants, Logan Generating Plant and Carneys Point. The two boilers at Carneys Point were equipped with Selective Catalytic Reduction (SCR) controls, while the boiler at Logan had both SCR and low-NO_X burners with overfire air. The units were subject to the SIP-approved NO_X RACT requirements, requiring year-round NO_X control, and the SIP-approved SO_2 emission limits. In the most recent five-year period for which EPA Air Markets Program Data (AMPD) are available (2016–2020), the two boilers at Carneys Point averaged approximately 300 tons NO_X emissions and an emission rate of 0.12 lb/MMBtu. The boiler at Logan Generating Station averaged approximately 403 tons NO_X and an emission rate of 0.11 lb/MMBtu. New Jersey also examined the two facilities with ICI boilers that MANE–VU flagged as contributing to visibility impairment at the Brigantine Wilderness: Atlantic County Utilities Landfill (ACUA) and Gerresheimer Moulded Glass (now Corning Pharmaceutical Glass). At the time of the analysis, and due to their close proximity to the Class I area, these boilers contributed 1.67 Mm^{-1} and 1.0 Mm^{-1} light extinction, respectively.[87] However, this was based on the sources' 2011 emission rates. Currently, there are no permitted ICI boilers at these facilities. ACUA's 19 tpy SO_2 in 2019 are considerably lower than the 2011 emissions of 907.88 tpy of SO_2. Corning Pharmaceutical Glass's emissions have likewise changed significantly since 2011, from 102.9 tpy of SO_2 to 1.29 tpy SO_2 in 2019. This was due to an error in the 2011 emissions that were reported in the SIP. The 2019 emissions represent the actual state of the facility.[88]

New Jersey reviewed its remaining sources on MANE–VU's top impacting EGU stacks list and its remaining sources on MANE–VU's top impacting ICI facilities list.[89] New Jersey also addressed the six facilities flagged by the NPS in their comment letter, which the NPS identified based on the 2014 National Emissions Inventory (NEI) emissions and a Q/d analysis. New Jersey listed the controls at each of these facilities. The NPS list included Carneys Point and Logan Generating Stations, the controls and emissions for which were discussed previously. The list also included Paulsboro and Phillips Bayway Refineries and Covanta Essex Company and Union County Resources solid waste combustors and incinerators. For Paulsboro, emissions controls include a scrubber, adsorber, particulate filter, thermal oxidizer and other controls. The SO_2 emissions at Paulsboro were 56.45 tpy in 2014 and 23.85 tpy in 2017.[90] The ICI boilers at Paulsboro are subject to New Jersey's SIP-approved NO_X RACT limits of 0.10 pound per million BTU for natural gas fired ICI boilers.[91] For Phillips Bayway Refinery, the list of controls included scrubbers, SCR, fabric filters, adsorbers, particulate filters, cyclones, separators, and other controls. The SO_2 emissions from Phillips were 81.98 tpy in 2014 and 41.12 tpy in 2017.[92] Phillips, like Paulsboro, is subject to New Jersey RACT limits for NO_X. Covanta Essex has a scrubber, electrostatic precipitator, particulate filter, selective non-catalytic reduction (SNCR) and other controls. The SO_2 emissions at Covanta were 110.73 tpy in 2014 and 58.68 tpy in 2017.[93] Union County has a scrubber, SNCR, particulate filter and other controls. The SO_2 emissions were 35.73 tpy in 2014 and 23.31 tpy in 2017.[94] All municipal solid waste incinerators in New Jersey, including Covanta and Union County, are subject to the SIP-approved NO_X RACT limits of 150 ppmvd.[95]

New Jersey also explained that it implements a range of regulations, consent decrees, administrative consent orders, and federal regulations to control NO_X emissions, including SIP-approved short-term performance standards for NO_X emissions from EGUs and measures to address EGU emissions on high electric demand days; presumptive NO_X limits for source categories including EGU boilers, stationary combustion turbines, ICI boilers, stationary reciprocating engines; and certain types of manufacturing facilities and incinerators; and RACT rules for stationary reciprocating

[85] See appendix J9 ''BL England Operating Permit Termination Letter—Final.''

[86] See April 2021 Supplemental Information for New Jersey's March 2020 Regional Haze SIP. In this document, New Jersey explained that it was focusing on NO_X emissions because its SO_2 emissions have been significantly reduced. Id. at 1.

[87] See table 3 of the docket document ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP.''

[88] See docket document ''Response to EPA Question July 15 2022''.

[89] See Table 2 ''Top Impacting EGU Stacks (2015 Emissions) to MANE–VU Class I Areas'' in the Supplemental Information for New Jersey's March 2020 Regional Haze SIP.

[90] See EPA's Nation Emission Inventory at *https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei.*

[91] See N.J.A.C. 7:27–19.7 ''Industrial/commercial/institutional boilers and other indirect heat exchangers''.

[92] See EPA's Nation Emission Inventory at *https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei.*

[93] *Id.*

[94] *Id.*

[95] See N.J.A.C. 7:27–19.12 ''Municipal solid waste (MSW) incinerators''.

internal combustion engines and stationary gas turbines.[96]

The EPA proposes to find that New Jersey reasonably determined it has satisfied Ask 2. As explained above, we do not necessarily agree that a 3.0 Mm^{-1} threshold for selecting sources for four-factor analysis results in a set of sources the evaluation of which has the potential to meaningfully reduce the state's contribution to visibility impairment. MANE–VU's threshold identified only one source in New Jersey for four-factor analysis. However, in this particular instance we propose to find that New Jersey's additional information and explanation indicates that the state has in fact examined a reasonable set of sources, including sources flagged by FLMs, and reasonably concluded that four-factor analyses for its top-impacting sources are not necessary because the outcome would be that no further emission reductions would be reasonable. EPA is basing this proposed finding on the state's examination of its largest operating EGU and ICI sources, at the time of SIP submission, and on the emissions from and controls that apply to those sources, as well as on New Jersey's existing SIP-approved NO_X and SO_2 rules that effectively control emissions from the largest contributing stationary-source sectors.[97]

Ask 3, which addresses the sulfur content of heating oil used in MANE–VU states, is based on a four-factor analysis for the heating oil sulfur reduction regulations contained in that Ask;[98] specifically, for the control strategy of reducing the sulfur content of distillate oil to 15 ppm. The analysis started with an assessment of the costs of retrofitting refineries to produce 15 ppm heating oil in sufficient quantities to support implementation of the standard, as well as the impacts of requiring a reduction in sulfur content on consumer prices. The analysis noted that, as a result of previous EPA rulemakings to reduce the sulfur content of on-road and non-road-fuels to 15 ppm, technologies are currently available to achieve sulfur reductions and many refiners are already meeting this standard, meaning that the capital investments for further reductions in the sulfur content of heating oil are expected to be relatively low compared to costs incurred in the past. The analysis also examined, by way of example, the impacts of New York's existing 15 ppm sulfur requirements on heating oil prices and concluded that the cost associated with reducing sulfur was relatively small in terms of the absolute price of heating oil compared to the magnitude of volatility in crude oil prices. It also noted that the slight price premium is compensated by cost savings due to the benefits of lower-sulfur fuels in terms of equipment life and maintenance and fuel stability. Consideration of the time necessary for compliance with a 15 ppm sulfur standard was accomplished through a discussion of the amount of time refiners had needed to comply with the EPA's on-road and non-road fuel 15 ppm requirement, and the implications existing refinery capacity and distribution infrastructure may have for compliance times with a 15 ppm heating oil standard. The analysis concluded that with phased-in timing for states that have not yet adopted a 15 ppm heating oil standard there ''appears to be sufficient time to allow refiners to add any additional heating oil capacity that may be required.'' [99] The analysis further noted the beneficial energy and non-air quality environmental impacts of a 15 ppm sulfur heating oil requirement and that reducing sulfur content may also have a salutary impact on the remaining useful life of residential furnaces and boilers.[100]

The EPA proposes to find that New Jersey reasonably relied on MANE–VU's four-factor analysis for a low-sulfur fuel oil regulation, which engaged with each of the statutory factors and explained how the information supported a conclusion that a 15 ppm-sulfur fuel oil standard for fuel oils is reasonable. New Jersey's SIP-approved ultra-low sulfur fuel oil rule [101] is consistent with Ask 3's sulfur content standards for the three types of fuel oils (distillate oil, #4 residual oil, #6 residual oil). EPA therefore proposes to find that New Jersey reasonably determined that it has satisfied Ask 3.

New Jersey concluded that no additional updates were needed to meet Ask 4, which requests that MANE–VU states pursue updating permits, enforceable agreements, and/or rules to lock-in lower emission rates for sources larger than 250 MMBtu per hour that have switched to lower emitting fuels. As explained above, New Jersey has asserted that EGUs and other large point emission sources that have switched operations to lower emitting fuels are already locked into the lower emission rates for NO_X, SO_2, and PM by permits, enforceable agreements and/or rules. New Jersey's SIP-approved NO_X RACT rule limits the capability of a subject facility to switch to higher emitting fuels.[102] Furthermore, New Jersey's SIP-approved sulfur regulations make it so that any source that combusts solid fuel and that is constructed, installed, reconstructed or modified, is also subject to New Jersey's state-of-the-art requirements,[103] lowest achievable emission rate requirements,[104] and best available control technology requirements at 40 CFR 52.21. In addition, modified units in New Jersey are required to amend their permits through the New Source Review (NSR) process if they plan to switch back to coal or a fuel that will increase emissions. A change in fuel, unless already allowed in the permit, would be a modification.[105] New Jersey's operating permits regulations require that an application to modify the permit be submitted prior to the change in fuel.[106] Thus, given the permitting and regulatory requirements outlined above, including the fact that sources that have switched fuel are required to revise their permits to reflect the change, that state rules make any proposed reversion difficult by requiring permitting and other control analyses, including NSR, the EPA proposes to find that New Jersey reasonably determined it has satisfied Ask 4.

Ask 5 addresses NO_X emissions from peaking combustion turbines that have the potential to operate on high electric demand days. New Jersey explains that it has SIP-approved regulations [107] to

[96] See April 2021 Supplemental Information for New Jersey's March 2020 Regional Haze SIP at 4–5.

[97] See April 2021 Supplemental Information for New Jersey's March 2020 Regional Haze SIP at 4–7.

[98] See appendix H2 ''FINAL Updates to Assessment of Reasonable Progress for Regional Haze—Final'' at 8–4.

[99] *Id.* see 8–7.

[100] *Id.* see 8–8.

[101] N.J.A.C. 7:27–9: Sulfur in Fuels (42 N.J.R. 2244) was approved into New Jersey's SIP by the EPA on January 3, 2012. (77 FR 19, January 3, 2012).

[102] See N.J.A.C 7:27–19.20 ''Fuel switching''.

[103] See N.J.A.C. 7:27–8.12 ''State of the art'' and N.J.A.C 7:27–22.35 ''Advances in the art of air pollution control''.

[104] See N.J.A.C. 7:27–18 ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules)''.

[105] See N.J.A.C 7:27–22.1, defining ''Modify'' or ''modification'' as ''means any physical change in, or change in the method of operation of, existing equipment or control apparatus that increases the amount of actual emissions of any air contaminant emitted by that equipment or control apparatus or that results in the emission of any air contaminant not previously emitted. This term shall not include normal repair and maintenance. A modification may be incorporated into an operating permit through a significant modification, a minor modification, or a seven-day-notice change''.

[106] See N.J.A.C. 7:27–22 ''Operating Permits''.

[107] See N.J.A.C. 7:27–19: Control and Prohibition of Air Pollution from Oxides of Nitrogen *https://www.state.nj.us/dep/aqm/currentrules/Sub19.pdf.*

control peaking combustion turbines [108] that have the potential to operate on high electric demand days.[109] The Ask requests states to strive for NO_X emission standards of no greater than 25 ppm for natural gas and 42 ppm for fuel oil, or at a minimum, NO_X emissions standards of no greater than 42 ppm for natural gas and 96 ppm at for fuel oil. The control levels adopted by New Jersey are below those requested by this Ask. Because no peaking combustion turbine within the state is permitted to emit more than 25 ppm for natural gas and 42 ppm for fuel oil,[110] EPA proposes to find that New Jersey reasonably concluded that its existing regulations comply with Ask 5.

Finally, with regard to Ask 6, New Jersey explains the greenhouse gas initiatives and clean energy requirements within the state including promulgation of the ''Global Warming Response Act'' codified at N.J.S.A 26:2C–37 and issuance of Executive Orders directing rulemaking, and re-joining RGGI.''. The EPA is proposing to find that New Jersey has satisfied Ask 6's request to consider and report in its SIP measures or programs related to energy efficiency, cogeneration, and other clean distributed generation technologies.

In sum, the EPA is proposing to find that—based on New Jersey's participation in the MANE–VU planning process, how it has addressed each of the Asks, its supplemental information and explanation regarding NO_X sources and emissions, and the EPA's additional assessment of New Jersey's emissions and point sources—New Jersey has complied with the requirements of § 51.308(f)(2)(i). Specifically, MANE–VU Asks 2 and 3 engage with the requirement that states evaluate and determine the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. While New Jersey did not select any sources for source-specific four-factor analyses pursuant to Ask 2, EPA is proposing to find the state's approach reasonable because it demonstrated that the sources with the greatest modeled impacts on visibility, as well as other sources that might be expected to impact visibility, either have shut down, have reduced their emissions so significantly that it is clear a four-factor analysis would not yield further reasonable emission reductions, or are subject to stringent emission control measures. New Jersey's SIP-approved control measures, emissions inventory [111] and information provided in response to comments [112] demonstrate that the sources of SO_2 and NO_X within the state that would be expected to contribute to visibility impairment have small emissions of NO_X and SO_2, are well controlled, or both. New Jersey's SIP-approved sulfur in fuel limits sets stringent limits for sulfur content and SO_2 emissions for both sulfur in solid fuels [113] and sulfur in non-solid fuels.[114] New Jersey's SIP-approved NO_X RACT regulations include stringent limits on boilers serving EGUs, stationary combustion turbines, ICI boilers and other indirect heat exchangers, stationary reciprocating engines, asphalt pavement production plants, glass manufacturing furnaces, emergency generators, MSW incinerators, sewage sludge incinerators, high electric demand day units and other sources of NO_X. (83 FR 50506, October 9, 2018). Therefore, it is reasonable to assume that selecting additional sources from MANE–VU's or FLMs' lists for four-factor analysis would not have resulted in additional emission reduction measures being determined to be necessary to make reasonable progress for the second implementation period.

Additionally, MANE–VU conducted a four-factor analysis to support Ask 3, which requests that states pursue ultra-low sulfur fuel oil standards to address SO_2 emissions. New Jersey has done so and included its regulations in its SIP. This also contributes to satisfying the requirements that states determine the emission reduction measures that are necessary to make reasonable progress by considering the four factors, and that their long-term strategies include the enforceable emission limitations, compliance schedules, and other measures necessary to make reasonable progress. To the extent that MANE–VU and New Jersey regard the measures in Asks 1 and 4 through 6 as being part of the region's strategy for making reasonable progress, we propose to find it reasonable for New Jersey to address these Asks by pointing to existing measures that satisfy each.

c. Additional Long-Term Strategy Requirements

The consultation requirements of § 51.308(f)(2)(ii) provides that states must consult with other states that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinate emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs, respectively. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

New Jersey participated in and provided documentation of the MANE–VU intra- and inter-RPO consultation processes and addressed the MANE–VU Asks by providing information on the measures it has in place that satisfy each Ask.[115] MANE–VU also documented disagreements that occurred during consultation. MANE–VU noted in their Consultation Report that upwind states expressed concern regarding the analyses the RPO utilized for the selection of states for the consultation. MANE–VU agreed that these tools, as all models, have their limitations, but nonetheless deemed them appropriate. Additionally, there were several comments regarding the choice of the 2011 modeling base year. MANE–VU agreed that the choice of base year is critical to the outcome of the study. MANE–VU acknowledged that there were newer versions of the emission inventories and the need to use the best available inventory for each analysis. However, MANE–VU disagreed that the choice of these inventories was not appropriate for the analysis. Upwind states also suggested that MANE–VU states adopt the 2021 timeline for regional haze SIP submissions for the second planning period. MANE–VU agreed with the reasons the comments provided, such as collaboration with data and planning efforts. However, MANE–VU disagreed that the 2018

[108] Peaking combustion turbine is defined for the purpose of this Ask as a turbine capable of generating 15 megawatts or more, that commenced operation prior to May 1, 2007, is used to generate electricity all or part of which is delivered to electric power distribution grid for commercial sale and that operated less than or equal to an average of 1,752 hours (or 20%) per year during 2014 to 2016.

[109] High electric demand days are days when higher than usual electrical demands bring additional generation units online, many of which are infrequently operated and may have significantly higher emissions rates of the generation fleet.

[110] See docket documents ''Existing Combined Cycle Turbines'' and ''Existing Simple Cycle Turbines'' for further information.

[111] See appendix E1 ''Selection of States for MANE–VU Regional Haze Consultation (2018)—Final'' and ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP.''

[112] See appendix K ''Public Participation—Final.'' At page 239.

[113] See N.J.A.C. 7:27–10 ''Sulfur in Solid Fuels''.

[114] See N.J.A.C. 7:27–9 ''Sulfur in Fuels''.

[115] See appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

timeline would prohibit collaboration. Additionally, upwind states noted that they would not be able to address the MANE–VU Asks until they finalize their SIPs. MANE–VU believed the assumption of the implementation of the Asks from upwind states in its 2028 control case modeling was reasonable, however New Jersey did include the 2028 base case and control case modeling in their SIP, representing visibility conditions at Brigantine Wilderness assuming upwind states do not and do implement the Asks, respectively. Additionally, New Jersey received comments from Virginia, West Virginia, North Carolina, and Alabama on their proposed regional haze SIP documenting those states' disagreement with the MANE–VU Asks. In their response to comments, New Jersey noted that it understands that states will conduct their own regional haze analysis to determine long term strategies to pursue in their SIPs and that New Jersey believes the MANE–VU Asks are reasonable and provide them to upwind states for consideration.[116]

In sum, New Jersey participated in the MANE–VU intra- and inter-RPO consultation and satisfied the MANE–VU Asks, satisfying § 51.308(f)(2)(ii)(A) and (B). New Jersey satisfied § 51.308(f)(2)(ii)(C) by participating in MANE–VU's consultation process, which documented the disagreements between the upwind states and MANE–VU and explained MANE–VU's reasoning on each of the disputed issues. Based on the entirety of MANE–VU's intra- and inter-RPO consultation and both MANE–VU's and New Jersey's responses to states' comments on the SIP submission and various technical analyses therein, we propose to determine that New Jersey has satisfied the consultation requirements of § 51.308(f)(2)(ii).

The documentation requirement of § 51.308(f)(2)(iii) provides that states may meet their obligations to document the technical bases on which they are relying to determine the emission reductions measures that are necessary to make reasonable progress through an RPO, as long as the process has been ''approved by all State participants.'' As explained above, New Jersey chose to rely on MANE–VU's technical information, modeling, and analysis to support development of its long-term strategy. The MANE–VU technical analyses on which New Jersey relied are listed in the state's SIP submission and include source contribution assessments, information on each of the four factors and visibility modeling information for certain EGUs, and evaluations of emission reduction strategies for specific source categories. New Jersey also provided supplemental information to further demonstrate the technical bases and emission information on which it relied on to determine the emission reductions measures that are necessary to make reasonable progress. Based on the documentation provided by the state, we propose to find New Jersey satisfies the requirements of § 51.308(f)(2)(iii).

Section 51.308(f)(2)(iii) also requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data. New Jersey's SIP submission included 2014 NEI emission data for NO_X, SO_2, PM, VOCs and NH_3 and 2017 Air Markets Program Data (AMPD) emissions for NO_X and SO_2. New Jersey's supplemental information included 2019 AMPD and 2017 NEI emission data for NO_X.[117] Further, EPA supplemented the submission by adding a spreadsheet that includes all NEI emissions through 2017 for further clarification.[118] Based on New Jersey's consideration and analysis of the 2017 and 2019 emission data in their SIP submittal and supplemental documentation, the EPA proposes to find that New Jersey has satisfied the emissions information requirement in 51.308(f)(2)(iii).

We also propose to find that New Jersey reasonably considered the five additional factors in § 51.308(f)(2)(iv) in developing its long-term strategy. Pursuant to § 51.308(f)(2)(iv)(A), New Jersey noted that existing and ongoing state and federal emission control programs that contribute to emission reductions through 2028 would impact emissions of visibility impairing pollutants from point and nonpoint sources in the second implementation period. New Jersey included in their SIP comprehensive lists of control measures with their effective dates, pollutants addressed, and corresponding New Jersey Administrative Code provisions.[119]

New Jersey's consideration of measures to mitigate the impacts of construction activities as required by § 51.308(f)(2)(iv)(B) includes, in section 4.6.7.2 of its SIP submission, a list of measures that New Jersey has implemented to mitigate the impacts from such activities. New Jersey has implemented standards that reduce fugitive dust emissions from construction,[120] rules to address exhaust emissions including rules to limit the idling of vehicles and equipment,[121] rules to reduce allowable smoke from on-road diesel engines,[122] and general conformity rules.[123]

Pursuant to § 51.308(f)(2)(iv)(C), source retirements and replacement schedules are addressed in section 4.6.7.3 of New Jersey's submission. Source retirements and replacements were considered in developing the 2028 emission projections, with on the books/on the way retirements and replacements included in the 2028 projections. The EGU point sources included in the inventories used in the MANE–VU contribution assessment and that were subsequently retired are identified in Table 4–5.[124] No non-EGU point source retirements in New Jersey were considered when developing the 2028 emissions projections.

In considering smoke management as required in 40 CFR 51.308(f)(2)(iv)(D), New Jersey explained, in section 4.6.7.4 of its submission, that it addresses smoke management through its SIP-approved Open Burning rules.[125] Open Burn rules limit all types of open burning within the state and require that, where open burning is allowed, it is conducted only after obtaining an air pollution control and Forest Fire Service permit. These rules have been in effect since 1956, with subsequent revisions further restricting open burning. The rules prohibit open burning and have been successful in minimizing burning throughout the

[116] See Appendix K ''Public Participation—Final''.

[117] See docket document ''New Jersey Air Pollutant Emissions Trends Data''.

[118] *Id.*

[119] See tables 4–3 and 4–4 of the NJ Regional Haze SIP—Final March 2020.

[120] Standards for Soil Erosion and Sediment Control in New Jersey. Promulgated by the New Jersey State Soil Conservation Committee. Adopted July 1999.

[121] N.J.A.C. 7:27–14.3 for diesel fueled vehicles and N.J.A.C. 7:27–15.8 for gasoline fueled vehicles.

[122] N.J.A.C. 7:27–14: Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles (Including Idling) (41 N.J.R. 4195 (b)). *https://www.nj.gov/dep/aqm/CPR-041708.pdf.*

[123] The authority to address General Conformity is set forth in Section 176(c) of the Clean Air Act and the requirements to demonstrate conformity are found in the EPA's implementing regulation (40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans). New Jersey has established General Conformity budgets for McGuire Air Force Base and Lakehurst Naval Air Station for VOCs and NO_X.

[124] See tables 4–5 of the NJ Regional Haze SIP—Final March 2020.

[125] N.J.A.C. 7:27–2 *https://www.nj.gov/dep/aqm/rules27.html.*

state. New Jersey also has several existing measures that help improve visibility at Brigantine Wilderness Area and other Class I areas impacted by emissions from New Jersey, including residential wood burning outreach and education.[126]

New Jersey considered the anticipated net effect of projected changes in emissions as required by 51.308(f)(2)(iv)(E) by discussing, in section 4.6.7.5 of its submission, the photochemical modeling for the 2018–2028 period it conducted in collaboration with MANE–VU. The two modeling cases run were a 2028 base case, which considered only on-the-books controls, and a 2028 control case that considered implementation of the MANE–VU Ask. New Jersey presented the differences between the base and control cases on the 20% most impaired and 20% clearest days for each MANE–VU Class I area and explained that, ''[e]ven though the visibility improvement between [the cases] is small, states are expected to do their part to ensure incremental progress towards the 2064 visibility goal.'' [127]

Because New Jersey has reasonably considered each of the five additional factors the EPA proposes to find that New Jersey has satisfied the requirements of 40 CFR 51.308(f)(2)(iv).

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. Because New Jersey is host to a Class I area, it is subject to both § 51.308(f)(3)(i) and, potentially, to (ii). § 51.308(f)(3)(i) requires a state in which a Class I area is located to establish RPGs—one each for the most impaired and clearest days—reflecting the visibility conditions that will be achieved at the end of the implementation period as a result of the emission limitations, compliance schedules and other measures required under paragraph (f)(2) to be in states' long-term strategies, as well as implementation of other CAA requirements. The long-term strategies as reflected by the RPGs must provide for an improvement in visibility on the most impaired days relative to the baseline period and ensure no degradation on the clearest days relative to the baseline period. Section 51.308(f)(3)(ii) applies in circumstances in which a Class I area's RPG for the most impaired days represents a slower rate of visibility improvement than the uniform rate of progress calculated under 40 CFR 51.308(f)(1)(vi). Under § 51.308(f)(3)(ii)(A), if the state in which a mandatory Class I area is located establishes an RPG for the most impaired days that provides for a slower rate of visibility improvement than the URP, the state must demonstrate that there are no additional emission reduction measures for anthropogenic sources or groups of sources in the state that would be reasonable to include in its long-term strategy. Section 51.308(f)(3)(ii)(B) requires that if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, and the RPG for the most impaired days in that Class I area is above the URP, the upwind state must provide the same demonstration.

Table 3–1 of New Jersey's SIP submittal summarizes baseline visibility conditions (*i.e.,* visibility conditions during the baseline period) for the most impaired and clearest days and the 2028 RPG for the most impaired days for Brigantine Wilderness Area, as well as information on natural visibility conditions, the rate of progress described by the URP in 2017 and 2028, and the modeled 2028 base case (representing visibility conditions in 2028 with existing controls). These visibility conditions, as well as the 2028 reasonable progress goal for the clearest days, are also included in Appendix I2 of New Jersey's SIP submission.[128] Baseline visibility conditions at Brigantine were 14.33 and 27.43 deciviews for the clearest and most impaired days, respectively. New Jersey's 2028 RPGs for the clearest and most impaired days were set at 10.47 and 17.97 deciviews. Thus, New Jersey's 2028 RPG for the clearest days constitutes an improvement over baseline visibility conditions as well as an improvement over the current (2013–2017) visibility conditions, which are 11.48 deciviews. For the most impaired days, the 2028 RPG of 17.97 deciviews also represents an improvement relative to both baseline visibility conditions and current visibility conditions, which are 19.86 deciviews.

New Jersey explained that the 2028 RPGs assume that upwind states—states that also contribute to visibility impairment at Brigantine—will implement the MANE–VU Asks or other control measures that achieve similar reductions.[129] Section 51.308(f)(3)(i) specifies that RPGs must reflect ''enforceable emissions limitations, compliance schedules, and other measures *required under paragraph (f)(2)* of this section'' (emphasis added). EPA interprets this provision as requiring that only emission reduction measures that states—including upwind states—have determined to be necessary for reasonable progress and incorporated into their long-term strategies be reflected in a Class I area's RPGs. This ensures that RPGs include only those measures that are reasonably certain to be implemented. However, New Jersey's 2028 RPGs include measures for upwind states that, as of now, those states have not determined to be necessary to make reasonable progress and not included in their long-term strategies. New Jersey's RPGs thus do not represent upwind states' long-term strategies and as a result is not representative of what the RPGs should be set at. New Jersey's 2028 most impaired base case of 18.16 deciviews reflects the visibility conditions that are projected to be achieved based on states' existing measures. As such, EPA considers the 2028 modeled base case value of 18.16 deciviews to be a more appropriate, conservative estimate of the RPG for the 20% most impaired visibility days. Irrespective of the measures New Jersey assumed upwind states will implement, EPA expects that the observed deciview value in 2028 will actually be equal to or lower than the 18.16 deciview estimate due to numerous coal-fired utility boilers in upwind states have recently retired or are expected to retire under enforceable commitments before 2028. Even assuming the conservative estimate of 18.16 deciviews on the most impaired days in 2028, though, the RPG would constitute improvement over the baseline visibility conditions of 27.43 deciviews and the current (2013–2017) visibility conditions of 19.86 deciviews. Therefore, the long-term strategy and the reasonable progress goals provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period. 40 CFR 51.308(f)(3)(i).

As noted in the RHR at 40 CFR 51.308(f)(3)(iii), the reasonable progress goals are not directly enforceable, but will be considered by the Administrator in evaluating the adequacy of the measures in the implementation plan in providing for reasonable progress towards achieving natural visibility conditions at that area. Regardless of whether we regard the 2028 RPG for the most impaired days to be 17.97 deciviews or 18.16 deciviews, the

[126] *https://www.state.nj.us/dep/baqp/woodburning.html.*

[127] NJ Regional Haze SIP—Final March 2020 at 38.

[128] See Appendix I2 ''Appendix I2—MANEVU Trends 2004–17 Report 2nd SIP Metrics—December 2018 Update—Final''.

[129] *Id.*

regulatory purpose of the RPGs has been fulfilled because visibility conditions at the Brigantine Wilderness have improved since the baseline period. EPA is therefore proposing to find that New Jersey's RPGs satisfy the applicable requirements and provide for reasonable progress towards achieving natural conditions.

Table 3–1 of New Jersey's submission provides that the value of the URP in 2028 for the Brigantine Wilderness Area is 20.74 deciviews. As explained above, EPA considers a value of 18.16 deciviews to be a more appropriate, conservative estimate of the 2028 RPG for the most impaired days. Regardless of whether the 2028 RPG for the most impaired days is 17.97 deciviews of 18.16 deciviews, New Jersey's RPG is below the URP and the demonstration requirement under § 51.308(f)(3)(ii)(A) is not triggered.

Under § 51.308(f)(3)(ii)(B), a state that contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in another state for which a demonstration by the other state is required under 51.308(f)(3)(ii)(B) must demonstrate that there are no additional emission reduction measures that would be reasonable to include in its long-term strategy. New Jersey's SIP revision included the modeled MANE–VU 2028 visibility projections at nearby Class I areas.[130] While these projections may not represent the final RPGs for these Class I areas, all of the base case 2028 projections for the most impaired days at these areas (Acadia, Brigantine, Great Gulf, Lye Brook, Moosehorn, Dolly Sods and Shenandoah) are well below the respective 2028 points on the URPs. Therefore, we propose it is reasonable to assume that the demonstration requirement under § 51.308(f)(3)(ii)(B) as it pertains to these areas will not be triggered.

The EPA proposes to determine that New Jersey has satisfied the applicable requirements of 40 CFR 51.308(f)(3) relating to RPGs.

G. Monitoring Strategy and Other Implementation Plan Requirements

Section 51.308(f)(6) specifies that each comprehensive revision of a state's regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this subsection is for states with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Compliance with this requirement may be met through participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) network.

According to section 7.2 of New Jersey's SIP submission, the IMPROVE monitor for the Brigantine Wilderness Area (indicated as BRIG1 in the IMPROVE monitoring network database) is located outside the Edwin B. Forsythe National Wildlife Refuge Headquarters in Oceanville, New Jersey. The monitoring station is located as close as practicable to, but not within, the wilderness area to limit and protect the ecological and biological resources of the wilderness area. The proximity of the monitor to the wilderness area ensures that the air monitoring data collected is representative of the air quality within the wilderness area.

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether reasonable progress goals to address regional haze for all mandatory Class I Federal areas within the state are being achieved. Regional haze data for Brigantine Wilderness Area are collected by an IMPROVE monitor that is operated and maintained by the U.S. Fish and Wildlife Service. In 2007, NJDEP established, at the same location, a monitoring station that measures trace level SO_2 and $PM_{2.5}$ using continuous and Federal reference methods for sample collection. A visibility camera was also installed in 2007. This station replaces the one previously located nearby at the Nacote Creek Research station in Galloway Township.

Section 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to regional haze visibility impairment at mandatory Class I Federal areas both within and outside the state. New Jersey relied on the MANE–VU contribution assessment analysis.[131] The analysis included include Eulerian (grid-based) source models, Lagrangian (air parcel-based) source dispersion models, as well as a variety of data analysis techniques that include source apportionment models, back trajectory calculations, and the use of monitoring and inventory data.

Section 51.308(f)(6)(iii) does not apply to New Jersey, as it has a Class I area.

Section 51.308(f)(6)(iv) requires the SIP to provide for the reporting of all visibility monitoring data to the Administrator at least annually for each Class I area in the state. As noted above, the Brigantine Wilderness Area IMPROVE monitor is operated and maintained by the U.S. Fish and Wildlife Service. The monitoring strategy for New Jersey relies upon the continued availability of the IMPROVE network. The IMPROVE monitor for the Brigantine Wilderness Area (indicated as BRIG1 in the IMPROVE monitoring network database) is located outside the Edwin B. Forsythe National Wildlife Refuge Headquarters in Oceanville, New Jersey. New Jersey supports the continued operation of the IMPROVE network through both state and Federal funding mechanisms.

Section 51.308(f)(6)(v) requires SIPs to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically. New Jersey provides for emissions inventories and estimates for future projected emissions by participating in the MANE–VU RPO and complying with EPA's Air Emissions Reporting Rule (AERR). In 40 CFR part 51, subpart A, the AERR requires states to submit updated emissions inventories for criteria pollutants to EPA's Emissions Inventory System (EIS) every three years. The emission inventory data is used to develop the NEI, which provides for, among other things, a triennial statewide inventory of pollutants that are reasonably anticipated to cause or contribute to visibility impairment.

Section 8 of New Jersey's submission includes tables of NEI data. The source categories of the emissions inventories included are: (1) Point sources, (2) nonpoint sources, (3) non-road mobile sources, and (4) on-road mobile sources. The point source category is further divided into AMPD point sources and non-AMPD point sources.[132] New Jersey included NEI emissions inventories for the following years: 2002 (one of the regional haze program baseline years),

[130] See Appendix I2 ''MANE–VU Trends 2004–17 Report 2nd SIP Metrics—December 2018 Update—Final.''

[131] See Appendix G for the contribution assessments.

[132] AMPD sources are facilities that participate in EPA's emission trading programs. The majority of AMPD sources are electric generating units (EGUs).

2008, 2011, 2014, and 2017;[133] and for the following pollutants: SO_2, NO_X, PM_{10}, PM 2.5, VOCs, CO, and NH_3. New Jersey also provided a summary of SO_2 and NO_X emissions for AMPD sources for the years of 2016, 2017, 2018, and 2019.[134]

Section 51.308(f)(6)(v) also requires states to include estimates of future projected emissions and include a commitment to update the inventory periodically. New Jersey relied on the MANE–VU 2028 emissions projections for MANE–VU states. MANE–VU completed two 2028 projected emissions modeling cases—a 2028 base case that considers only on-the-books controls and a 2028 control case that considers implementation of the MANE–VU Asks.[135]

The EPA proposes to find that New Jersey has met the requirements of 40 CFR 51.308(f)(6) as described above, including through its continued participation in the IMPROVE network and the MANE–VU RPO and its on-going compliance with the AERR, and that no further elements are necessary at this time for New Jersey to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires that periodic comprehensive revisions of states' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. Sections 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, § 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state have occurred since the period addressed by the first implementation period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

New Jersey's submission describes the status of measures of the long-term strategy from the first implementation period. As a member of MANE–VU, New Jersey considered the MANE–VU Asks and adopted corresponding measures into its long-term strategy for the first implementation period. The MANE–VU Asks were: (1) Timely implementation of Best Available Retrofit Technology (BART) requirements; (2) EGU controls including Controls at 167 Key Sources that most affect MANE–VU Class I areas; (3) Low sulfur fuel oil strategy; and (4) Continued evaluation of other control measures. New Jersey met all the identified reasonable measures requested during the first implementation period. During the first planning period for regional haze, programs that were put in place focused on reducing sulfur dioxide (SO_2) emissions. The reductions achieved led to vast improvements in visibility at the MANE–VU Federal Class I Areas due to reduced sulfates formed from SO_2 emissions. New Jersey lists in Table 4–4 an expansive list of post 2011 control measures that help control the emissions of VOCs, NO_X, PM and SO_2 from a wide range of sources.[136] New Jersey's SIP submission includes emission data demonstrating the reductions achieved throughout the state through implementation of the measures mentioned in Table 4–4. The state included periodic emission data that demonstrates a decrease in VOCs, NO_X, PM and SO_2 emissions throughout the state.

The EPA proposes to find that New Jersey has met the requirements of 40 CFR 51.308(g)(1) and (2) because its SIP submission describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emission reductions achieved through such implementation.

New Jersey's SIP submission included summaries of the visibility conditions and the trend of the 5-year averages through 2017 at the class I Brigantine Wilderness area. The SIP submission included the 5-year baseline (2000–2004) visibility conditions for the clearest and most impaired days of 14.33 and 27.43 deciviews, respectively. The SIP submission also included the current 5-year status (2013–2017) for the clearest and most impaired days of 11.48 and 19.86 deciviews, respectively.[137] The SIP submission also illustrated in Figure 2–2 the visibility metrics levels at Brigantine Wilderness Area, including the 5-year rolling average for the clearest and most impaired days.[138] EPA therefore proposes to find that New Jersey as satisfied the requirements of 40 CFR 51.308(g)(3).

Pursuant to § 51.308(g)(4), in chapter 8 of their submittal, New Jersey provided a summary of emissions of NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 from all sources and activities, including from point, nonpoint, non-road mobile, and on-road mobile sources, for the time period from 2002 to 2014. New Jersey also included AMPD data for SO_2 and NO_X emissions for 2016 and 2017 in their submission. Additional 2017 NEI and 2019 AMPD emission data for NO_X was included in the state's supplemental information.[139] Additionally, EPA has included a spreadsheet that tracks New Jersey air pollutant emissions trends data through 2017 for all NEI pollutants.[140]

The reductions achieved by New Jersey emission control measures are seen in the emissions inventory. Based on New Jersey's SIP submission, their

[133] See docket document ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP'' for the 2017 NEI data.

[134] See docket document ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP'' for the 2018 and 2019 AMPD data.

[135] See appendix C ''OTC MANE–VU 2011 Based Modeling Platform Support Document October 2018—Final.''

[136] See Table 4–4: ''Control Measures Post 2011'' of New Jersey's SIP submission.

[137] See Table 2–1'' ''Comparison of Natural, Baseline, and Current Visibility Conditions in Deciviews for the 20 percent Clearest and 20 percent Most Impaired at Brigantine Wilderness Area'' of New Jersey's SIP submission.

[138] See Appendix I ''Visibility Metrics—Final'' for additional visibility metrics throughout the MANE–VU class I areas.

[139] See docket document ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP.''

[140] See ''New Jersey Air Pollutant Emissions Trends Data'' in the docket.

supplemental information [141] and the EPA-provided supplemental information in the ''New Jersey Air Pollutant Emissions Trends Data'' spreadsheet included in the docket, NO_X emissions have continuously declined in New Jersey from 2002 through 2017, especially in the point, nonroad and onroad mobile sectors. NO_X emissions are expected to continue to decrease as fleet turnover occurs and the older more polluting vehicles and equipment are replaced by newer, cleaner ones. During that period, onroad sources contributed almost half of the emissions at 48%, followed by area sources at 23%. Nonroad sources contributed 17% and point sources contributed the least at 13%. Table 6 of the supplemental information shows additional NO_X emissions data from 2016 to 2019 for New Jersey's point sources that report to EPA's AMPD.[142]

Emissions of SO_2 have shown a steady significant decline in New Jersey over the period 2002 to 2017, particularly in the point, nonroad and onroad mobile sectors.[143] Reductions in point emissions are primarily due to the acid rain program, New Jersey power plant consent decrees and regulations, and Federal and State low sulfur fuel regulations.[144] Additionally, some of these decreases are attributable to the MANE–VU low sulfur fuel strategy and the 90% or greater reduction in SO_2 emissions at 167 EGU stacks, both inside and outside of MANE–VU, requested in the ''Non-MANE–VU Ask'' for states within MANE–VU for the first regional haze planning period.[145] Since some components of the MANE–VU low sulfur fuel strategy have milestones of 2016 and 2018, and as MANE–VU states continue to adopt rules to implement the strategy, additional SO_2 emissions reductions have likely been obtained since 2017 and are expected to continue into the future.

In New Jersey's submission, table 8–7 shows a summary of PM_{10} emissions from all NEI data categories point, nonpoint, non-road, and onroad for the period from 2002 to 2014 in New Jersey. In New Jersey, PM_{10} emissions steadily decreased in the point, nonpoint, and nonroad categories for the period from 2002 to 2014. The variations in the onroad are due to changes in emission inventory calculation methodologies, which resulted in higher particulate matter estimates in the other years than in 2002. The large variation in emissions in the nonpoint category is due to changes in calculation methodologies for residential wood burning and fugitive dust categories, which have varied significantly.

Table 8–10 of New Jersey's submission shows a summary of $PM_{2.5}$ emissions from all NEI data categories for the period from 2002 to 2014 in New Jersey. $PM_{2.5}$ emissions steadily decreased in the nonroad category for the period from 2002 to 2014. The decrease in $PM_{2.5}$ emissions is because of Federal new engine standards for nonroad vehicles and equipment. There is an overall decrease in onroad emissions due to Federal and State regulations. The increase in emissions in the onroad category from 2002 to 2008 is due to changes in emission inventory calculation methodologies and a model change, as previously explained, which resulted in higher fine particulate matter estimates in the years after 2002. The large variation in emissions in the nonpoint category is due to changes in calculation methodologies for residential wood burning and fugitive dust categories, which have varied significantly. The other large decrease in $PM_{2.5}$ emissions is primarily due to the decrease in emissions from fuel combustion at EGU and Industrial stationary sources, with the emissions dropping from 5,269 tpy in 2008 to 1,528 tpy in 2017.

Table 8–21 of New Jersey's submission shows VOC emissions from all NEI data categories for the period 2002 to 2014 in New Jersey. VOC emissions have shown a steady decline in New Jersey over the period 2002 to 2014. VOC decreases were achieved in all sectors due to Federal new engine standards for onroad and nonroad vehicles and equipment, the National and State low emission vehicle programs, SIP-approved area source rules such as consumer products, portable fuel containers, paints, autobody refinishing, asphalt paving applications, and solvent cleaning operations, and point source controls such as refinery consent decrees and New Jersey's VOC storage tank rule.

Table 8–24 of New Jersey's submission shows ammonia (NH_3) emissions from all NEI data categories for the period 2002 to 2014 in New Jersey. Ammonia decreases were achieved in the onroad and nonroad sectors due to Federal new engine standards for vehicles and equipment. Point source increases from 2002 to 2008 are due to reporting, grouping and methodology changes, not actual emission increases. NH_3 emissions were not reported to New Jersey's emission statements program in 2002, therefore, they were estimated by EPA. Reporting to New Jersey's emission statement program began in 2003. Nonpoint increases and decreases from 2002 to 2014 are due to reporting, grouping and methodology changes. Overall, ammonia emissions have decreased from 2008 to 2014. Emissions from 2002–2008 are not comparable to post-2008 emissions due to methodology changes.

The EPA is proposing to find that New Jersey has satisfied the requirements of § 51.308(g)(4) by providing emissions information for NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 broken down by type of source.

New Jersey uses the emissions trend data in the SIP submission [146] and the supplemental information [147] provided to support the assessment that anthropogenic haze-causing pollutant emissions in New Jersey have decreased during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emissions and improving visibility, New Jersey's 2017 emission inventories for NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 were lower than their 2014 emission inventories for those same pollutants emissions.[148] The EPA is proposing to find that New Jersey has met the requirements of § 51.308(g)(5).

I. Requirements for State and Federal Land Manager Coordination

Section 51.308(i)(2)'s FLM consultation provision requires a state to provide FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emission reduction obligation so that information and recommendations provided by the FLMs' can meaningfully inform the state's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough, Regardless, the opportunity for consultation must be provided at least

[141] See ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP.''

[142] *Id.*

[143] See ''New Jersey Air Pollutant Emissions Trends Data'' in the docket.

[144] See ''Table 4–3: New Jersey's Post 2002 Control Measures'' in the NJ Regional Haze SIP—Final March 2020.

[145] Statement of the Mid-Atlantic/Northeast Visibility Union (MANE–VU) Concerning a Course of Action within MANE–VU Toward Assuring Reasonable Progress. (*https://otcair.org/MANEVU/Upload/Publication/Formal%20Actions/Statement%20on%20Controls%20in%20MV_072007.pdf*).

[146] See ''NJ Regional Haze SIP—Final March 2020'' Chapter 8 ''Emissions Trends and Inventory''.

[147] See docket document ''Supplemental Information for New Jersey's March 2020 Regional Haze SIP''.

[148] See docket document ''New Jersey Air Pollutant Emissions Trends Data''.

sixty days before a public hearing or public comment period at the state level. Section 51.308(i)(2) also provides two substantive topics on which FLMs must be provided an opportunity to discuss with states: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLMs' comments.

The states in the MANE–VU RPO conducted FLM consultation early in the planning process concurrent with the state-to-state consultation that formed the basis of the RPO's decision making process. As part of the consultation, the FLMs were given the opportunity to review and comment on the technical documents developed by MANE–VU. The FLMs were invited to attend the intra- and inter-RPO consultations calls among states and at least one FLM representative was documented to have attended seven intra-RPO meetings and all inter-RPO meetings. New Jersey participated in these consultation meetings and calls.[149]

As part of this early engagement with the FLMs, on April 12, 2018, the NPS sent letters to the MANE–VU states requesting that they consider specific individual sources in their long-term strategies.[150] NPS used an analysis of emissions divided by distance (Q/d) to estimate the impact of MANE–VU facilities. To select the facilities, NPS first summed 2014 NEI NO_X, PM_{10}, SO_2, and SO_4 emissions and divided by the distance to a specified NPS mandatory Class I Federal area. NPS summed the Q/d values across all MANE–VU states relative to Acadia, Mammoth Cave and Shenandoah National Parks, ranked the Q/d values relative to each Class I area, created a running total, and identified those facilities contributing to 80% of the total impact at each NPS Class I area. NPS applied a similar process to facilities in Maine relative to Acadia National Park. NPS merged the resulting lists of facilities and sorted them by their states. NPS suggested that a state consider those facilities comprising 80% of the Q/d total, not to exceed the 25 top ranked facilities. The NPS identified 10 facilities in New Jersey in this letter.[151] New Jersey included the NPS initial letter in their proposed SIP. In a subsequent letter dated October 22, 2018, NPS identified six facilities for which more control information was desired. New Jersey detailed the emission controls and updates to the six facilities to address the NPS's request for more information, as discussed previously.[152]

On May 30, 2019, New Jersey submitted a draft Regional Haze SIP to the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the National Park Service for a 60-day review and comment period pursuant to 40 CFR 51.308(i)(2).[153] New Jersey received comments from the Forest Service on July 23, 2019, and from the National Park Service on July 26, 2019. New Jersey responded to the FLM comments and included the responses in appendix K of their submission to EPA, in accordance with § 51.308(i)(3). Notices of the proposed SIP, availability and the public hearing were published on NJDEP's website and issued on three NJDEP air quality listservs on August 22, 2019. In addition, interested parties not on the NJDEP's listservs were emailed the notice, along with air quality contacts from other states, air quality regional organizations and the EPA. A public hearing on the proposed SIP revision was held on September 25, 2019, at the NJDEP office. Written comments relevant to the proposal were accepted until the close of business October 22, 2019.

For the reasons stated above, the EPA proposes to find that New Jersey has satisfied the requirements under 40 CFR 51.308(i) to consult with the FLMs on its regional haze SIP for the second implementation period.

New Jersey's March 2020 SIP submission includes a commitment to revise and submit a regional haze SIP by July 31, 2028, and every ten years thereafter. The state's commitment includes submitting periodic progress reports in accordance with § 51.308(f) and a commitment to evaluate progress towards the reasonable progress goal for each mandatory Class I Federal area located within the state and in each mandatory Class I Federal area located outside the state that may be affected by emissions from within the state in accordance with § 51.308(g).[154]

V. Proposed Action

The EPA is proposing to approve New Jersey's March 26, 2020 SIP submission, supplemented on September 8, 2020, and April 1, 2021, as satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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. Accordingly, 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).

In addition, this proposed rulemaking action, pertaining to New Jersey regional haze SIP submission for the second

[149] See Appendix D ''MANE–VU Regional Haze Consultation Report and Consultation Documentation—Final.''

[150] *Id.*

[151] *Id.*

[152] See Appendix K ''Public Participation—Final''.

[153] *Id.*

[154] See the preface and Chapter 9 of the ''NJ Regional Haze SIP—Final March 2020.''

planning period, is not approved to 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, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Lisa Garcia,

Regional Administrator, Region 2.

[FR Doc. 2022–17265 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0837; FRL–10029–01–R6]

Air Plan Approval; New Mexico; Clean Air Act Requirements for Nonattainment New Source Review Permitting for the 2015 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the New Mexico State Implementation Plan (SIP) submitted by the State of New Mexico on August 10, 2021, that update the New Mexico Nonattainment New Source Review (NNSR) permitting program for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS).

DATES: Written comments must be received on or before September 19, 2022.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2021–0837, at *https://www.regulations.gov* or via email to *wiley.adina@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Adina Wiley, (214) 665–2115, *wiley.adina@epa.gov.* 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.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Adina Wiley, EPA Region 6 Office, Air Permits Section (ARPE), 214–665–2115, *wiley.adina@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

Ozone is a gas that is formed by the reaction of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X) in the atmosphere in the presence of sunlight. These precursors (VOC and NO_X) are emitted by many types of pollution sources, including point sources such as power plants and industrial emissions sources; on-road and off-road mobile sources (motor vehicles and engines); and smaller residential and commercial sources, such as dry cleaners, auto body shops, and household paints, collectively referred to as area sources.

On October 1, 2015, the EPA revised both the primary and secondary ozone NAAQS [1] from a concentration level of 0.075 part per million (ppm) to 0.070 ppm to provide increased protection of public health and the environment (80 FR 65296, October 26, 2015). The 2015 8-hour ozone NAAQS retains the same general form and averaging time as the 0.075 ppm NAAQS set in 2008. Specifically, the 2015 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.070 ppm.[2]

On March 9, 2018 (83 FR 10376), the EPA published the Classifications Rule that prescribes how the statutory classifications will apply for the 2015 8-hour ozone NAAQS, including the air quality thresholds for each classification category and attainment deadline associated with each classification.

On June 4, 2018 (83 FR 25776), the EPA designated the Sunland Park Area in southern Doña Ana County, New Mexico as marginal nonattainment for the 2015 8-hour ozone NAAQS with an attainment deadline of August 3, 2021.[3] On November 30, 2021 (86 FR 67864), the EPA expanded the marginal nonattainment area that previously only included the Sunland Park Area in Doña Ana County, New Mexico to also include El Paso County, Texas and renamed the marginal nonattainment designated area as the El Paso-Las Cruces, TX–NM nonattainment area.

On December 6, 2018 (83 FR 6299), the EPA published the Nonattainment Area SIP Requirements rule that establishes the minimum elements that must be included in all nonattainment SIPs, including the requirements for NNSR permitting.

On August 10, 2021, the New Mexico Environment Department (NMED) submitted a SIP revision to the New Mexico NNSR permitting program to

[1] The primary ozone standards provide protection for children, older adults, and people with asthma or other lung diseases, and other at-risk populations against an array of adverse health effects that include reduced lung function, increased respiratory symptoms and pulmonary inflammation; effects that contribute to emergency department visits or hospital admissions; and mortality. The secondary ozone standards protect against adverse effects to the public welfare, including those related to impacts on sensitive vegetation and forested ecosystems. *See* CAA Section 109(b).

[2] For a detailed explanation of the calculation of the 3-year 8-hour average, see 80 FR 65296 and 40 Code of Federal Regulations (CFR) part 50, appendix U.

[3] The specific portion of New Mexico included in the nonattainment area is defined as the area bounded on the New Mexico-Texas state line on the east, the New Mexico-Mexico international line on the south, latitude N31°49′0″ on the north, and longitude W106°36′36″ on the west. See 83 FR 25776, 25820.

address the requirements of the 2015 8-hour ozone NAAQS.

II. The EPA's Evaluation

A NNSR permitting program for ozone nonattainment areas is required by the CAA section 182(a)(2)(C). The NNSR requirements are further defined in 40 CFR part 51, subpart I (Review of New Sources and Modifications). NNSR permits for ozone authorize construction of new major sources or major modifications of existing sources of NO_X or VOC in an area that is designated nonattainment for the ozone NAAQS. New major sources or major modifications at existing sources in an ozone nonattainment area must comply with the lowest achievable emission rate (LAER) and obtain sufficient emission offsets for emissions of NO_X or VOC. Emissions thresholds and pollutant offset requirements under the NNSR program are based on the nonattainment area's classification. For Marginal ozone nonattainment areas, major sources are any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 100 tons per year of NO_X or VOC (CAA sections 182(a) and 182(f)). The NNSR offset ratio for Marginal ozone nonattainment areas must be at least 1.1 to 1 (CAA section 182(a)(4)). NNSR programs must also provide the opportunity for public involvement in the permitting process through notification of the proposed actions and providing review and comment periods to the public (40 CFR 51.165(i)).

A. Evaluation of the Revisions to the New Mexico NNSR Regulations

The current federally approved New Mexico SIP includes an NNSR permitting program at 20.2.79 New Mexico Administrative Code (NMAC). Upon designation of the Sunland Park area as Marginal nonattainment, the NMED initiated an internal review of the New Mexico NNSR permitting rules and determined their rules would need to be updated to maintain consistency with the Federal NNSR permitting requirements at 40 CFR 51.165. New Mexico adopted these updates on July 21, 2021. These updates were submitted to the EPA on August 10, 2021, as a revision to the New Mexico SIP. Following is a summary of our analysis of the August 10, 2021, submitted revisions. Please refer to the Technical Support Document for this proposed action, available in the rulemaking docket, for the full detailed analysis.

- Section 20.2.79.5 NMAC was revised to include the current effective date of the New Mexico regulations of August 21, 2021. This non-substantive revision is approvable and necessary to keep the New Mexico SIP updated with the current New Mexico regulations.
- Section 20.2.79.7 NMAC was revised to update the definitions used throughout the New Mexico NNSR permitting program. The revisions summarized below are substantive edits that are approvable and necessary to maintain consistency with Federal requirements.
  - The definition of ''net emissions increase'' at 20.2.79.7(Z) NMAC was updated to revise internal cross-references and is consistent with the Federal requirements at 40 CFR 51.165(a)(1)(vi).
  - The definition of ''nonattainment area'' at 20.2.79.7(AA) NMAC was revised to align with the designation process followed by the EPA under CAA section 107.
  - The definition of ''potential to emit'' at 20.2.79.7(AE) NMAC was revised to state that secondary emissions do not count in determining the potential to emit of a stationary source, consistent with the Federal requirements at 40 CFR 51.165(a)(1)(iii).
- Section 20.2.79.9 NMAC was revised to update the address of the NMED, Air Quality Bureau. This non-substantive revision is approvable and necessary to ensure that the public and regulated community can obtain any documents cited in the NNSR regulations.
- Section 20.2.79.109 NMAC was revised at 20.2.79.109(A)(2), 20.2.79.109(E), 20.2.79.109(J), 20.2.79.109(K), and 20.2.79.109(L). The revisions to 202.2.79(A)(2) substantively revise the existing SIP language to mirror the Federal requirements at 40 CFR 51.165(b)(1) and (2). The revisions to 20.2.79.109(E), (J) and (K) are non-substantive revisions to update internal cross-references and clarify existing rule language. The revisions to 20.2.79.109(L) substantively revise the existing SIP language to mirror the Federal requirements at 40 CFR 51.165(a)(9)(iv).
- Section 20.2.79.115 NMAC was revised at 20.2.79.115(F)(1) NMAC to specify that emission reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally creditable for emission offset purposes if the reduction is surplus in addition to being permanent, quantifiable and federally enforceable. This substantive revision is approvable and necessary to ensure that the New Mexico NNSR program is consistent with the Federal requirements at 40 CFR 51.165(a)(3)(ii)(C)(*1*).
- Section 20.2.79.119 NMAC was revised at 20.2.79.119(B)(7) NMAC to correctly identify the input rate for fossil fuel boilers listed as fugitive emission source categories as 250 million British Thermal Units (mmBTU)/hr instead of 50 mmBTU/hr. This substantive revision is approvable and necessary to ensure the New Mexico NNSR program is consistent with the Federal requirements at 40 CFR 51.165(a)(1)(iv)(C)(*21*).
- Section 20.2.79.120 NMAC was revised at 20.2.79.120(I)(5) to update an internal cross-reference to another portion of the New Mexico NNSR program rules. This revision is approvable and necessary to ensure the permitting program functions as intended.

B. Evaluation of How the New Mexico NNSR Program Satisfies the 2015 8-Hour Ozone NAAQS Requirements

The Sunland Park Area in southern Doña Ana County, New Mexico is designated as marginal nonattainment area for the 2015 8-hour ozone NAAQS. Under the SIP-approved requirement at 20.2.79.109(A)(1) NMAC, the New Mexico NNSR permitting program applies to any new major sources or major modifications that will be located within a nonattainment area designated pursuant to Section 107 of the CAA. New major sources or major modifications at existing sources, that emit or have the potential to emit, at least 100 tons per year of NO_X or VOC, are required to comply with the LAER and obtain emission offsets at the Marginal classification ratio of 1.1 to 1. The New Mexico NNSR program at 20.2.79.118 NMAC ensures the public will be notified by advertisement in a newspaper of general circulation in the area in which the proposed major stationary source or major modification will be constructed and provided with a 45-day review and comment period.

Therefore, we propose to find that the New Mexico SIP includes the necessary provisions addressing the CAA NNSR requirements for ozone nonattainment areas classified as Marginal. The New Mexico submittal only addresses the 2015 8-hour ozone requirements for the portion of the El Paso-Las Cruces, TX–NM nonattainment area within the State of New Mexico. The State of Texas is responsible for the portions of Texas within the same nonattainment area; the EPA will evaluate any submissions from the State of Texas independent of the New Mexico submissions.

III. Proposed Action

Pursuant to section 110 and part D of the Act, we are proposing to approve the

submitted revisions to the New Mexico SIP that update the NNSR permitting requirements to maintain consistency with the Federal NNSR program requirements and address the 2015 ozone NAAQS requirements for nonattainment permitting. Specifically, we are proposing to approve the following revisions to the New Mexico SIP adopted on July 21, 2021, effective August 21, 2021:

- Revisions to 20.2.79.5 NMAC—Effective Date,
- Revisions to 20.2.79.7 NMAC—Definitions,
- Revisions to 20.2.79.9 NMAC—Documents,
- Revisions to 20.2.79.109 NMAC—Applicability,
- Revisions to 20.2.79.115 NMAC—Emission Offsets,
- Revisions to 20.2.79.119 NMAC—Tables, and
- Revisions to 20.2.79.120 NMAC—Actuals Plantwide Applicability Limits (PALs).

IV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' [4] The EPA is providing additional analysis of environmental justice associated with this action. We are doing so for the purpose of providing information to the public, not as a basis of our proposed action.

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. Consistent with Executive Order 12898, area designations address environmental justice concerns by ensuring that the public is properly informed about the air quality in an area. The EPA addressed environmental justice concerns related to our designation of the Sunland Park Area of Doña Ana County, New Mexico as marginal nonattainment in our June 4, 2018, final rule. If an area is designated nonattainment of the NAAQS, the CAA requires the state authority to establish a nonattainment permitting program that will assist the area in attaining the NAAQS.

For this proposed action, the EPA conducted screening analyses using the EJScreen (Version 2.0) tool to provide additional information to the public regarding the environmental and demographic indicators within the Sunland Park Area of Doña Ana County, New Mexico in the El Paso-Las Cruces 2015 8-hour Ozone Nonattainment area. EJScreen is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining various environmental and demographic indicators.[5] The EJScreen tool presents these indicators at a Census block group (CBG) level or a larger user-specified ''buffer'' area that covers multiple CBGs.[6] An individual CBG is a cluster of contiguous blocks within the same census tract and generally contains between 600 and 3,000 people. EJScreen is not a tool for performing in-depth risk analysis, but is instead a screening tool that provides an initial representation of indicators related to environmental justice and is subject to uncertainty in some underlying data (*e.g.,* some environmental indicators are based on monitoring data which are not uniformly available; others are based on self-reported data).[7] We present EJScreen environmental indicators to help screen for locations where residents may experience a higher overall pollution burden than would be expected for a block group with the same total population. These indicators of overall pollution burden include estimates of ambient particulate matter ($PM_{2.5}$) and ozone concentration, a score for traffic proximity and volume, percentage of pre-1960 housing units (lead paint indicator), and scores for proximity to Superfund sites, risk management plan (RMP) sites, and hazardous waste facilities.[8] EJScreen also provides information on demographic indicators, including percent low-income, communities of color, linguistic isolation, and less than high school education.

On June 27, 2022, the EPA conducted a review of the EJScreen reports for the approximate 24 square miles contained in the portion of the ozone nonattainment area within Sunland Park, New Mexico. The complete report is available in the public docket for this action. The Environmental Justice Index for eight of the twelve EJScreen indicators exceed the 80th percentile in the United States; seven of the twelve EJScreen indicators exceed the 80th percentile in the State of New Mexico. Five of the twelve indicators exceed the 90th percentile in both the State of New Mexico and the United States, including indices for particulate matter 2.5, ozone, air toxics cancer risk, air toxics respiratory, and wastewater discharge. This analysis showed an approximate population of 13,051 residents based on the 2010 Census. Within this area, EJScreen identified that approximately 98% of the population are people of color with 71% identified as low income. Additionally, approximately 38% of the population is linguistically isolated and 40% of the population has less than a high school education.

This proposed action addresses a revision to the New Mexico NNSR permitting program that will apply in the Sunland Park Area of Doña Ana County, New Mexico in the El Paso-Las Cruces 2015 8-hour ozone nonattainment area. The New Mexico NNSR permitting program will require new major sources and major modifications at existing sources, that emit or have the potential to emit, at least 100 tons per year of NO_X or VOC, to comply with LAER and obtain emission offsets in a ratio of 1.1 to 1; this should result in a reduction in overall emissions with the introduction of newly permitted major sources and major modifications and improve air

[4] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

[5] The EJScreen tool is available at *https://www.epa.gov/ejscreen.*

[6] *See https://www.census.gov/programs-surveys/geography/about/glossary.html.*

[7] In addition, EJScreen relies on the five-year block group estimates from the U.S. Census American Community Survey. The advantage of using five-year over single-year estimates is increased statistical reliability of the data (*i.e.,* lower sampling error), particularly for small geographic areas and population groups. For more information, see *https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_general_handbook_2020.pdf.*

[8] For additional information on environmental indicators and proximity scores in EJScreen, *see* ''EJSCREEN Environmental Justice Mapping and Screening Tool: EJSCREEN Technical Documentation,'' Chapter 3 and Appendix C (September 2019) at *https://www.epa.gov/sites/default/files/2021-04/documents/ejscreen_technical_document.pdf.*

quality in the area. Further, the State of New Mexico must provide 30-day public notice for all proposed permitting actions for new major sources and major modifications going through NNSR permitting. The NMED provided public review and comment on the revisions to the New Mexico NNSR permitting program.[9] The EPA is also providing a 30-day public comment period on our proposed approval of the submitted revisions to the New Mexico NNSR permitting program. For these reasons, this proposed action is not anticipated to have a disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

V. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the New Mexico regulations as described in the Section III of this preamble, Proposed Action. We have made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the 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 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 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).

In addition, 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 proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 5, 2022.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2022–17384 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

[9] The NMED proposed revisions to the New Mexico NNSR Program on April 20, 2021, with a public hearing held on June 25, 2021.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 7, 22, 36, and 52

[FAR Case 2022–003; Docket No. FAR–2022–0003, Sequence No. 1]

RIN 9000–AO40

Federal Acquisition Regulation: Use of Project Labor Agreements for Federal Construction Projects

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement an Executive Order pertaining to project labor agreements in Federal construction projects.

DATES: Interested parties should submit comments to the Regulatory Secretariat Division at the address shown below on or before October 18, 2022 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments in response to FAR Case 2022–003 to *https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2022–003''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2022–003.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2022–003'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite ''FAR Case 2022–003'' in all correspondence related to this case. All comments received will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Bowman, Procurement Analyst, at 202–803–3188 or by email at *dana.bowman@gsa.gov,* for clarification

of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAR Case 2022–003.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to implement Executive Order (E.O.) 14063, Use of Project Labor Agreements for Federal Construction Projects, issued February 4, 2022 (87 FR 7363, February 9, 2022). E.O. 14063 mandates that Federal Government agencies require the use of project labor agreements (PLAs) for large-scale Federal construction projects, where the total estimated cost to the Government is $35 million or more, unless an exception applies. Agencies still have the discretion to require PLAs for Federal construction projects that do not meet the $35 million threshold. The E.O. also directs the Office of Management and Budget (OMB) to issue implementation guidance to agencies on exceptions and reporting.

E.O. 14063 describes large-scale construction projects as often posing special challenges to efficient and timely procurement by the Federal Government. Large-scale construction projects often have multiple employers at a single location and a lack of permanent workforce, which makes it difficult for Federal contractors to predict labor costs when bidding on contracts and to ensure that a steady supply of labor exists on the contracts being performed. Additionally, a labor dispute involving one employer can delay the entire project.

The E.O. explains that the lack of coordination among various employers, or uncertainty about the employment terms and conditions of various groups of workers, can create friction and disputes in the absence of an agreed-upon resolution mechanism. PLAs may provide structure and stability needed to reduce uncertainties for all parties connected to a large-scale construction project.

The current FAR is based on the final rule in FAR Case 2009–005, Use of Project Labor Agreements for Federal Construction Projects, published April 13, 2010 (75 FR 19168). The final rule implemented E.O. 13502, which encouraged the use of PLAs for large-scale Federal construction projects valued at $25 million or more in order to promote economy and efficiency in Federal procurement. E.O. 13502 is revoked by E.O. 14063 upon the effective date of the final rule in FAR Case 2022–003.

II. Discussion and Analysis

DoD, GSA, and NASA are proposing to revise FAR subpart 22.5, Use of Project Labor Agreements for Federal Construction Projects, to reflect the change in policy pertaining to the use of PLAs. While the reasons for using PLAs remain largely unchanged from the previous policy, use of a PLA is no longer discretionary for large-scale Federal construction projects. Agencies will be required to use a PLA for large-scale Federal construction projects unless an exception applies. The E.O. also expands the definition of ''construction,'' raises the threshold for a large-scale construction project from $25 million to $35 million, and establishes a series of exceptions to the PLA requirements. A summary of the proposed changes follows.

A. FAR Part 1

FAR 1.106, OMB approval under the Paperwork Reduction Act, updates the OMB control number that covers PLAs. OMB Control Number 9000–0175, Use of Project Labor Agreements for Federal Construction Projects, was approved in FAR case 2009–005 (see section G of that rule's preamble). Effective March 31, 2019, the clause and provision previously included in 9000–0175 were consolidated under OMB Control Number 9000–0066, which covers a number of labor-related requirements.

B. FAR Part 7

Agency-head responsibilities at FAR 7.103(x) pertaining to the use of PLAs are revised to reflect the change in policy consistent with other requirements of agency planners.

C. FAR Part 22

FAR subpart 22.5 is revised to replace all references to revoked E.O. 13502 with references to the new E.O. 14063.

The definitions of ''construction,'' ''labor organization,'' and ''large-scale construction project'' are revised to reflect the definitions in E.O. 14063. Conforming changes are made in the clause at FAR 52.222–34, Project Labor Agreement.

The threshold for a large-scale construction project is increased from $25 million to $35 million. This threshold will be subject to the periodic adjustment for inflation of statutory acquisition-related dollar thresholds in accordance with FAR 1.109, 41 U.S.C. 1908, and section 2(c) of E.O. 14063.

FAR 22.503 is revised to reflect the change in policy that mandates agencies to require the use of PLAs when awarding Federal construction contracts that meet the threshold of a large-scale construction project unless an exception applies. Agencies may continue to require PLAs for projects that do not meet the $35 million threshold at their discretion. The proposed rule maintains existing FAR guidance that agencies may use when making a decision to require a PLA for such a contract.

Some agencies use indefinite-delivery indefinite-quantity (IDIQ) contracts to award orders for large-scale construction projects. IDIQ contracts may cover multiple projects of varying values. For an order at or above $35 million, an agency shall require a PLA, unless an exception applies. An exception may only apply to the entire IDIQ contract if the basis for the exception cited would apply to all orders. Use of PLAs on orders is also not restricted to those projects valued at or above the $35 million threshold. The offerors are alerted in the provision at FAR 52.222–33, Notice of Requirement for Project Labor Agreement, that a PLA may be required at the order stage. The clause at FAR 52.222–34 allows the contracting officer to choose when to require the executed PLA, with the order offer, after the offer but prior to order award, or after award of the order.

FAR 22.504(c) is revised to remove direction that allowed agencies to specify terms and conditions of the PLAs and to engage in efforts to identify the appropriate terms and conditions for a particular construction project. DoD, GSA, and NASA believe the language at 22.504(b)(6), which authorizes agencies to ensure the PLA includes any additional requirements as the agency deems necessary to satisfy its needs, is sufficient. Further, the E.O. directs that an agency may not require contractors or subcontractors to enter into a PLA with any particular labor organization. The proposed rule replaces the current text at FAR 22.504(c) with this direction. Conforming changes are made in the provision at FAR 52.222–33, Notice of Requirement for Project Labor Agreement, and the clause at FAR 52.222–34, Project Labor Agreement.

The E.O. provides an exception from the PLA requirements that, with a written explanation, may be granted by a senior official. The proposed rule interprets the senior official as the senior procurement executive. The authority to grant an exception is added at FAR 22.504(d). The exception may be granted in each of the following circumstances, as provided in the E.O.:

1. Requiring a PLA would not achieve economy and efficiency in Federal procurement, as described in 22.504(d);

2. Requiring a PLA would substantially reduce the number of potential bidders so as to frustrate full and open competition, *i.e.,* where

adequate competition at a fair and reasonable price could not be achieved; or

3. Requiring a PLA would be inconsistent with statutes, regulations, other E.O.s., or Presidential Memoranda.

The decision regarding whether to grant an exception for an order under an IDIQ contract should be made prior to issuing the notice of intent to place an order.

D. FAR Part 52

The provision at FAR 52.222–33, Notice of Requirement for Project Labor Agreement, and the clause at FAR 52.222–34, Project Labor Agreement, include changes discussed in section II.C. of this preamble. Additional minor changes are proposed for clarity.

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

This rule amends the provision at FAR 52.222–33 and the FAR clause at 52.222–34. However, this rule does not impose any new requirements on contracts at or below the SAT or for commercial products and commercial services, including COTS items. Since the provision and clause apply to large-scale Federal construction contracts, neither would apply to acquisitions at or below the SAT or to acquisitions for commercial products and commercial services, including COTS items.

IV. Expected Impact of the Rule

A project labor agreement (PLA) is defined as a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f). PLAs are a tool that can be used to provide labor-management stability, and ensure compliance with laws and regulations such as those governing safety and health, equal employment opportunity, labor and employment standards, and others. Requiring a PLA means that every contractor and subcontractor engaged in construction on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more labor organizations.

Currently, the regulations at FAR 22.5 encourage the use of PLAs for ''large-scale federal construction projects,'' which is defined as projects with a total cost of $25 million or more. According to the data collected by OMB, between the years of 2009 and 2021, there were a total of approximately 2,000 eligible contracts and the requirement for a PLA was used 12 times. Based on the information, on average there are approximately 167 eligible awards annually and approximately one award that includes the PLA requirement.

This rule implements E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects, which requires the use of PLAs in large-scale Federal construction projects unless an exception applies. In accordance with the E.O., the definition of ''large-scale federal construction projects'' is amended from $25 million or more to $35 million or more. Based on Federal Procurement Data System (FPDS) data from fiscal year (FY) data from FY 2019 through FY 2021, the average number of construction awards, including orders against indefinite-delivery indefinite-quantity contracts valued at $35 million or more, were approximately 119 annually. The average cost of each award is approximately $114 million.

In accordance with the E.O., this rule provides exceptions to the requirement to use PLAs for large-scale Federal construction projects. Exceptions must be based on at least one of the conditions listed at FAR 22.504(d). These conditions include when the requirement for a PLA would not advance the Federal Government's interests; where market research indicates a substantial reduction in competition to such a degree that adequate competition at a fair and reasonable price could not be achieved; or where the requirement would be inconsistent with other statutes, regulations, E.O.s, or Presidential memoranda. There is no data on the number of exceptions that may be granted since the mandate and associated exceptions are new. It is possible there may be a higher usage of exceptions in the initial year as industry and the Government work to implement the requirement. Considering the lack of available data on the proposed exceptions, it is estimated that exceptions may be granted for 10 percent to 50 percent of covered contracts; in other words, an estimated 60 to 107 construction contract awards may require PLAs.

The current FAR provision at 52.222–33, Notice of Requirement for Project Labor Agreement, provides a basic provision and 2 alternative provisions for the contracting officer to select from. The provision selected identifies whether all offerors, the apparent successful offeror, or the awardee must provide a copy of the PLA. There is no historical data on the selection of alternatives. Therefore, it is assumed each alternative will apply one third of the time. This implies one third of affected solicitations will require all offerors to provide a PLA, and two thirds of affected solicitations will only require one entity (apparent successful offeror or awardee) to provide a PLA. To estimate the number of offerors that would be required to provide a PLA, the Government estimates an average of 4 offers would be submitted per award; *i.e.,* an estimated 80–144 offerors (20–36 awards * 4 offers). Therefore, the total number of estimated entities that would be required to submit PLAs at the prime contract level is 120–215 entities (40–71 apparent successful offerors or awardees + 80–144 offerors). It is estimated that 20 percent of the entities will be small entities, therefore approximately 24–43 small entities and 96—172 large entities may be required to submit PLAs. For the estimated 120–215 entities that will be required to have a PLA to submit an offer or perform a contract, generally the entity will negotiate the terms and conditions of the PLA with a union(s). It is assumed an entity will require the owner or a senior executive, legal counsel, a project manager, and 1–2 labor advisors, depending on the size of the workforce, to support the negotiations. DoD, GSA, and NASA estimate that 40 to 80 hours of time may be required in total for each party involved in negotiating the PLA on behalf of the contractor. According to the Bureau of Labor Statistics (BLS) National Occupational Employment and Wage Estimates for May 2021, the mean hourly wage for General and Operations Managers is $55.41/hour, $71.17 for Lawyers, and $102.41 for Chief Executives. To reflect the variety of labor categories necessary to estimate the impact, a mean hourly rate of $76.33 is used for this calculation. The current BLS factor of 42 percent is applied to the mean wage to account for fringe benefits and an additional 12 percent overhead factor is applied (See Attachment C of OMB Circular A–76 Revised issued May 29, 2003), for a total loaded wage of $121.40/hour ($76.33 * 142 percent * 112 percent). Also, it is estimated that 1 hour is required by one member of the contractor's workforce to submit the PLA to the Government on behalf of the contractor. Using the BLS wage estimates for Office and Administrative Support Occupations, the mean hourly rate for submitting the PLA is estimated to be $33.21 (20.88 * 142 percent * 112 percent). The total estimated impact for establishing and submitting PLAs in response to a Government contract is $2.92–$10.45 million (120–215 entities *((5

participants * 40–80 hours * $121.40) + (1 person * 1 hour * $33.21)). Taking midpoints of each range implies a primary estimate of $6.69 million.

The requirement for a PLA flows down to subcontractors through FAR clause 52.222–34, paragraph (c). There is no data source that identifies the number of subcontractors per contract, however, based upon estimates from experts, it is estimated that for each contract there is an average of 2 subcontractors. Therefore, the requirement for PLAs is estimated to apply to 240—430 subcontractors (120–215 * 2).

Subcontractors that may be required to participate in a PLA will generally review and sign on to the PLA negotiated by the prime contractor. The subcontractor does not negotiate the PLA. However, the subcontractor must read, understand, and implement the terms and conditions included in the PLA. These actions are estimated to take 1 to 10 hours. Representatives on behalf of a subcontractor may include the owner, project manager, or an attorney. Based upon the previously provided BLS data, a total loaded wage of $121.40 reflects the variety of labor categories necessary to estimate the impact of the proposed rule on subcontractors. The total estimated impact for establishing and submitting PLAs in response to a Government contract is estimated to be $58,272 to $1.04 million (240–430 subcontractors * (2 participants * 1–10 hours * $121.40)). Taking midpoints of each range implies a primary estimate of $549,136.

For the Government, contracting officers will continue to conduct market research and consider factors to support a decision to use, or not to use, PLAs in large-scale construction projects. There will continue to be instances where the use of PLAs will benefit the Government and others where it is not feasible to use PLAs. This rule establishes new procedures for the contracting officer to request an exception to the requirement to use PLAs. The new procedures require the contracting officer to prepare a written explanation to request an exception and route the request for approval by the senior procurement executive. The act of preparing and routing an exception request is typically performed by a contract specialist customarily at the GS–12 step 5 level and is estimated to take an average of 2 hours. The hourly rate of $65.77 is based upon the Office of Personnel Management (OPM) Table for the Rest of the United States, effective January 2022, for a GS–12 step 5 employee ($43.10 per hour) plus a 36.25 percent factor to account for fringe benefits in accordance with current OMB memorandum M–08–13 and a 12 percent overhead factor (See Attachment C of OMB Circular A–76 Revised issued May 29, 2003). As stated previously, the estimated number of exception requests per year is between 12 and 60; therefore, the anticipated cost for preparing and routing requests is $1,578–$7,892 (12–60 exceptions * 2 hours * $65.77). Taking midpoints of each range implies a primary estimate of $4,735.

The review and approval of the exception request is normally performed at the GS–15 or higher level and is estimated to take approximately 1 hour. The hourly rate of $108.71 is based upon OPM Table for the Rest of the United States, effective January 2022, for a GS–15 step 5 employee ($71.24 per hour) plus the 36.25 percent factor to account for fringe benefits and a 12 percent factor for overhead. The estimated cost for review and approval is between $1,305–6,523 (12–60 exceptions * 1 hour * $108.71). Taking midpoints of each range implies a primary estimate of $3,914.

Public comments are invited on the use of these factors, including whether there are other factors that might be more appropriate for use in the construction industry.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is anticipated to be a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VI. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808), before an interim or final rule takes effect, DoD, GSA, and NASA will send the rule and the ''Submission of Federal Rules Under the Congressional Review Act'' form to each House of the Congress and to the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not anticipated to be a major rule under 5 U.S.C. 804.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612, because the use of a PLA is required only on large-scale construction projects with a total estimated contract value of $35 million or more. However, an Initial Regulatory Flexibility Analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 14063, Use of Project Labor Agreements for Federal Construction Projects, dated February 4, 2022, which mandates that Federal Government agencies require the use of project labor agreements (PLAs) for large-scale Federal construction projects (total estimated value of $35 million or more), unless an exception applies. Agencies still have the discretion to require PLAs for Federal construction projects that do not meet the $35 million threshold.

The objective of the rule is to implement the E.O. 14063 change in policy from discretionary use to requiring the use of PLAs for Federal construction projects valued at $35 million or more.

This rule applies the requirement for PLAs to all construction projects valued at $35 million or more, unless an exception applies. However, it does not change the discretionary use of PLAs for projects that do not meet the $35 million threshold. As a result, small entities may be required to negotiate and become a party to a PLA, as a prime or subcontractor.

Data generated from the Federal Procurement Data System (FPDS) for fiscal years 2019, 2020, and 2021 has been used as the basis for estimating the number of unique small entities expected to be affected by the change from discretionary to mandatory use of PLAs for large-scale construction projects.

An examination of this data reveals that the Government issued an average of 119 large-scale construction awards annually. Of those 119 awards, an average of 15 percent were awarded to an average of 16 unique small entities annually.

It is estimated that 60–107 of the 119 large-scale construction awards will require a PLA. An estimated one third of affected solicitations will require all offerors to provide a PLA, and two thirds of affected solicitations will only require one entity (apparent successful offeror or awardee) to provide a PLA. Therefore, the total number of estimated entities that would be required to submit PLAs at the prime contract level is 120–215 entities (40–71 apparent successful offerors or awardees + 80–144 offerors).

It is estimated that under the new project labor agreement requirements, the estimated number of small entities impacted by the rule is 20 percent of the 120–215 entities.

Therefore, it is estimated that approximately 24–43 small entities will be required to submit a project labor agreement.

DoD, GSA, and NASA acknowledge there is no data source that identifies the number of subcontractors per contract, however, based upon estimates from experts, it is estimated that each of the entities required to submit project labor agreements may have approximately 2 subcontractors; *i.e.* 240–430 subcontractors (120 * 2) (215 * 2). It is estimated that an equivalent percentage of small entities are subcontractors as prime contractors. As a result, it is estimated that 20 percent or 48–86 of the subcontractors are small entities (240 * 0.2) (430 * 0.2).

Based upon this analysis, the number of small entities that may be required to negotiate or become a party to a PLA is approximately 72 to 129 annually (24 + 48) (43 + 86). These numbers may fluctuate based on the use of discretionary PLAs, any exceptions granted to the required use of a PLA, or if the PLA is required by all offerors, the apparent successful offeror, or the awardee. The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches to the proposed rule.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2022–003), in correspondence.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501–3521) applies because the proposed rule contains information collection requirements. Accordingly, the Regulatory Secretariat has submitted a request for approval of a revised information collection requirement concerning 9000–0066, Labor-related Requirements, to the Office of Management and Budget.

This rule affects the certification and information collection requirements in the provision at FAR 52.222–33, Notice of Requirement for Project Labor Agreement, and the FAR clause at 52.222–34, Project Labor Agreements. The information collection requirements were originally approved under OMB Control Number 9000–0175, Use of Project Labor Agreements for Federal Construction Projects. The estimate used in the current information collection was based on PLAs with a total estimated contract value of $25 million or more and the discretionary authority to use them. The burden hour estimates for the provision at FAR 52.222–33 and the clause at FAR 52.222–34 previously included under OMB Control Number 9000–0175 are consolidated with and approved under OMB Control Number 9000–0066, Labor-related Requirements.

A. Estimated Public Reporting Burden

Public reporting burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. This is not the time to negotiate the PLA, which is not an information collection requirement; the time covered is only the time to copy and submit the PLA to the contracting officer.

FAR provision 52.222–33, Notice of Requirement for Project Labor Agreement, is prescribed at FAR 22.505(a) for use in solicitations for the acquisition of large-scale construction projects. A large-scale construction project is defined as one within the United States with a total cost to the Federal Government of $35 million or more. According to FPDS, the Government awarded an average of 119 large-scale construction contracts to approximately 110 unique entities each year, to include orders against indefinite-delivery indefinite-quantity contracts, valued at $35 million or more, from FY 2019 through 2021. The Government also considered that exceptions to the required use of a PLA may be granted under certain conditions and estimates that approximately 12 to 60 (10 percent to 50 percent of 119) exceptions will be granted for the required use of a PLA each year. Due to the lack of historical data, the Government is using a range to estimate the number of PLAs that will be required from a low of 60 (50 percent) to a high of 107 (90 percent).

Although agencies have the discretion to require a PLA when the estimated value of the construction project is less than the $35 million threshold, the Government estimates that agencies will choose to require PLAs for less than 1 percent of construction awards each year.

It is projected that for all contracts requiring a PLA (60–107), the contracting officer will identify if all offerors, the apparent successful offeror, or the awardee is required to negotiate or become a party to a PLA. There is no historical data on when the contracting officer requires the PLA. Therefore, it is assumed that the alternatives will apply ⅓ of the time equally ($60/3$ or $107/3$), meaning approximately 20 to 36 awards will require all offerors to provide a PLA and 40 to 71 awards will require the apparent successful offeror or awardee. The Government estimates that an average of 4 offers will be submitted for each of the estimated awards, resulting in an estimated 120 to 215 respondents. The annual reporting burden estimates that 120 to 215 of the respondents would be requested to submit a PLA. The Government estimates that each respondent will require between 40 (low) and 80 (high) hours to implement a PLA for a project. This includes time for offerors to consult with advisors, negotiate, ensure compliance with terms and conditions of the PLA and implement the PLA.

The annual reporting burden for FAR provision 52.222–33, Notice of Requirement for Project Labor Agreement, is estimated based upon the ranges described above and illustrated as follows:

	Range of burden based upon 40 hours		Range of burden based upon 80 hours	
Respondents	120	215	120	215
Responses per respondent	1	1	1	1
Total annual responses	120	215	120	215
Preparation hours per responses	200	200	400	400
Total response burden hours	24,000	43,000	48,000	86,000

The application of the provision is expanded to recognize IDIQ contracts and the resultant ability to require or not require PLAs on an order-by-order basis under the IDIQ. The change in policy that makes the use of a PLA mandatory unless an exception applies may also increase the estimates while the increased threshold for defining a large-scale construction project may have a balancing effect. It is expected that the use of discretionary PLAs and agency-issued exceptions will further impact public and Government burden. In addition, the hourly rates have increased from 2021 to 2022.

FAR clause 52.222–34, Project Labor Agreement, is prescribed at FAR 22.505(a) for use in contracts for the acquisition of large-scale construction projects. Each of the 60 to 107 awardees is expected to have one recordkeeper to maintain the PLA and associated records for the participants through the life of the contract.

The annual recordkeeping burden for FAR clause 52.222–34, Project Labor Agreement, is estimated using the range of 60 to 107 awardees as follows:

	Range of awardees	
Estimated recordkeepers	60	107
Estimated records per recordkeeper	1	1
Total annual records	60	107
Estimated hours/record	3	3
Total recordkeeping burden hours	180	321

The total estimated annual public burden hours associated with the FAR provision and clause is estimated between 24,180 (24,000 reporting hours + 180 recordkeeping hours) and 86,321 (86,000 reporting + 321 recordkeeping hours).

B. Request for Comments Regarding Paperwork Burden.

Submit comments, including suggestions for reducing this burden, not later than October 18, 2022 through *http://www.regulations.gov* and follow the instructions on the site. All items submitted must cite OMB Control No. 9000–0066, Labor Related Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Public comments are particularly invited on:

- The necessity of this collection of information for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility.
- The accuracy of the estimate of the burden of this collection of information.
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0066, Labor-related Requirements, in all correspondence.

List of Subjects in 48 CFR Parts 1, 7, 22, 36, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 1, 7, 22, 36, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 7, 22, 36, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. In section 1.106 amend the table by:

■ a. Removing the entry for FAR segment ''22.5''; and

■ b. Adding in sequence, entries for ''52.222–33'' and ''52.222–34''.

The additions read as follows:

1.106 OMB approval under the Paperwork Reduction Act.

* * * * *

FAR segment	OMB control No.
* * * * *	
52.222–33	9000–0066
52.222–34	9000–0066
* * * * *	

* * * * *

PART 7—ACQUISITION PLANNING

■ 3. Amend section 7.103 by revising paragraph (x) to read as follows:

7.103 Agency-head responsibilities.

* * * * *

(x) Ensuring that agency planners use project labor agreements when required (see subpart 22.5 and 36.104).

* * * * *

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 4. Revise section 22.501 to read as follows:

22.501 Scope of subpart.

This subpart prescribes policies and procedures to implement Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects, dated February 4, 2022 (87 FR 7363).

■ 5. Amend section 22.502 by revising the definitions of ''Construction'', ''Labor organization'' and ''Large-scale construction project'' to read as follows:

22.502 Definitions.

* * * * *

Construction means construction, reconstruction, rehabilitation, modernization, alteration, conversion, extension, repair, or improvement of buildings, structures, highways, or other real property.

Labor organization means a labor organization as defined in 29 U.S.C. 152(5) of which building and construction employees are members.

Large-scale construction project means a Federal construction project within the United States for which the total estimated cost of the construction contract(s) to the Federal Government is $35 million or more.

* * * * *

■ 6. Revise section 22.503 to read as follows.

22.503 Policy.

(a) Executive Order (E.O.) 14063, Use of Project Labor Agreements for Federal Construction Projects, requires agencies to use project labor agreements in large-scale construction projects to promote economy and efficiency in the administration and completion of Federal construction projects.

(b) When awarding a contract in connection with a large-scale construction project (see 22.502), agencies shall require use of project labor agreements for all contractors and subcontractors engaged in construction on the project, unless an exception at 22.504(d) applies.

(c) An agency may require the use of a project labor agreement on projects where the total cost to the Federal Government is less than that for a large-scale construction project, if appropriate.

(1) An agency may, if appropriate, require that every contractor and subcontractor engaged in construction on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more labor organizations if the agency decides that the use of project labor agreements will—

(i) Advance the Federal Government's interest in achieving economy and efficiency in Federal procurement, producing labor-management stability, and ensuring compliance with laws and regulations governing safety and health, equal employment opportunity, labor and employment standards, and other matters; and

(ii) Be consistent with law.

(2) Agencies may consider the following factors in deciding whether the use of a project labor agreement is appropriate for a construction project where the total cost to the Federal Government is less than that for a large-scale construction project:

(i) The project will require multiple construction contractors and/or subcontractors employing workers in multiple crafts or trades.

(ii) There is a shortage of skilled labor in the region in which the construction project will be sited.

(iii) Completion of the project will require an extended period of time.

(iv) Project labor agreements have been used on comparable projects undertaken by Federal, State, municipal, or private entities in the geographic area of the project.

(v) A project labor agreement will promote the agency's long term program interests, such as facilitating the training of a skilled workforce to meet the agency's future construction needs.

(vi) Any other factors that the agency decides are appropriate.

(d) For indefinite-delivery indefinite-quantity (IDIQ) contracts the use of a project labor agreement may be required on an order-by-order basis rather than for the entire contract. For an order at or above $35 million, an agency shall require the use of a project labor agreement, unless an exception applies. See 22.504(d)(3) and 22.505(b)(3).

■ 7. Amend section 22.504 by—

■ a. In paragraph (b) introductory text removing the words ''The project'' and adding the words ''A project'' in their place;

■ b. Revising paragraph (c); and

■ c. Adding paragraph (d).

The revision and addition read as follows.

22.504 General requirements for project labor agreements.

* * * * *

(c) *Labor organizations.* An agency may not require contractors or subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

(d) *Exceptions to project labor agreement requirements*—(1) *Exception.* The senior procurement executive may grant an exception from the requirements at 22.503(b), providing a specific written explanation of why at least one of the following conditions exists with respect to the particular contract:

(i) Requiring a project labor agreement on the project would not advance the Federal Government's interests in achieving economy and efficiency in Federal procurement. The exception shall be based on one or more of the following factors:

(A) The project is of short duration and lacks operational complexity.

(B) The project will involve only one craft or trade.

(C) The project will involve specialized construction work that is available from only a limited number of contractors or subcontractors.

(D) The agency's need for the project is of such an unusual and compelling urgency that a project labor agreement would be impracticable.

(ii) Market research indicates that requiring a project labor agreement on the project would substantially reduce the number of potential offerors to such a degree that adequate competition at a fair and reasonable price could not be achieved. (See 10.002(b)(1) and 36.104). A likely reduction in the number of potential offerors is not, by itself, sufficient to except a contract from coverage under this authority unless it is coupled with the finding that the reduction would not allow for adequate competition at a fair and reasonable price.

(iii) Requiring a project labor agreement on the project would otherwise be inconsistent with statutes, regulations, Executive orders, or Presidential memoranda.

(2) When determining whether the exception in paragraph (d)(1)(ii) of this section applies, contracting officers shall consider current market conditions and the extent to which price fluctuations may be attributable to factors other than the requirement for a project labor agreement (*e.g.,* costs of labor or materials, supply chain costs). Agencies may rely on price analysis conducted on recent competitive proposals for construction projects of a similar size and scope.

(3) *Timing of the exception*—(i) *Contracts other than IDIQ contracts.* The exception must be granted for a particular contract by the solicitation date.

(ii) *IDIQ contracts.* An exception shall be granted prior to the solicitation date if the basis for the exception cited would apply to all orders. Otherwise, exceptions shall be granted for each order by the time of the notice of the intent to place an order (*e.g.,* 16.505(b)(1)).

■ 8. Revise section 22.505 to read as follows.

22.505 Solicitation provision and contract clause.

When a project labor agreement is used for a construction project, the contracting officer shall—

(a)(1) Insert the provision at 52.222–33, Notice of Requirement for Project Labor Agreement, in all solicitations containing the clause 52.222–34, Project Labor Agreement.

(2) Use the provision with its Alternate I if the agency will require the submission of a project labor agreement from only the apparent successful offeror, prior to contract award.

(3) Use the provision with its Alternate II if an agency allows submission of a project labor agreement after contract award except when Alternate III is used.

(4) Use the provision with its Alternate III when Alternate II of 52.222–34 is used.

(b)(1) Insert the clause at 52.222–34, Project Labor Agreement, in all solicitations and contracts associated with the construction project.

(2) Use the clause with its Alternate I if an agency allows submission of the project labor agreement after contract award except when Alternate II is used.

(3) Use the clause with its Alternate II in IDIQ contracts when the agency will have project labor agreements negotiated on an order-by-order basis and one or more orders will not use a project labor agreement.

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 9. Amend section 36.104 by adding paragraph (c) to read as follows:

36.104 Policy.

* * * * *

(c)(1) Agencies shall require the use of a project labor agreement for Federal construction projects valued at or above $35 million, unless an exception applies (see subpart 22.5).

(2) Contracting officers conducting market research for Federal construction contracts shall ensure that the procedures at 10.002(b)(1) involve a current and proactive examination of the market conditions in the project area to determine national, regional, and local entity interest in participating on a project that requires a project labor agreement, and to understand the availability of unions, and unionized and non-unionized contractors. Contracting officers may coordinate with agency labor advisors, as appropriate.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 10. Amend section 52.222–33 by—
■ a. Revising the date of the provision;
■ b. Revising paragraphs (a) and (b);
■ c. Removing from paragraph (c) introductory text ''Consistent with applicable law, the project'' and adding ''The project'' in its place;
■ d. Removing from paragraph (c)(1) ''offeror and all'' and adding ''Offeror and'' in its place;
■ e. Removing from paragraph (c)(2) ''offeror'' and adding ''Offeror'' in its place;
■ f. Removing from paragraph (d) ''this contract'' and adding ''the resulting contract'' in its place;
■ g. Removing from paragraph (e) ''offeror'' and adding ''Offeror'' in its place;
■ h. In Alternate I:
■ i. Revising the date;
■ ii. Removing from the introductory text ''22.505(a)(1)'' and ''clause'' and adding ''22.505(a)(2)'' and ''provision'' in their places, respectively;
■ iii. Revising paragraph (b);
■ i. In Alternate II:
■ i. Revising the date;
■ ii. Removing from the introductory text ''22.505(a)(2)'' and ''clause'' and adding ''22.505(a)(3)'' and ''provision'' in their places, respectively;
■ iii. Revising paragraph (b); and
■ j. Adding Alternate III.

The revisions and addition read as follows:

52.222–33 Notice of Requirement for Project Labor Agreement.

* * * * *

Notice of Requirement for Project Labor Agreement (Date)

* * * * *

(a) *Definitions.* As used in this provision, the following terms are defined in clause 52.222–34 of this solicitation entitled Project Labor Agreement: ''construction,'' ''labor organization,'' ''large-scale construction project,'' and ''project labor agreement.''

(b)(1) Offerors shall negotiate or become a party to a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

(2) The Offeror shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

* * * * *

Alternate I (Date) * * *

(b)(1) The apparent successful offeror shall negotiate or become a party to a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

(2) The Offeror shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

* * * * *

Alternate II (Date). * * *

(b)(1) If awarded the contract, the Offeror shall negotiate or become a party to a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

(2) The Offeror shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

Alternate III (Date). As prescribed in 22.505(a)(4), substitute the following paragraph (b) in lieu of paragraphs (b) through (e) of the basic provision:

(b)(1) If awarded the contract, the Offeror may be required by the agency to negotiate or become a party to a project labor agreement with one or more labor organizations for the term of the order. The Contracting Officer will require that an executed copy of the project labor agreement be submitted to the agency—

(i) With the order offer;

(ii) Prior to award of the order; or

(iii) After award of the order.

(2) The Offeror shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

■ 11. Amend section 52.222–34 by—
■ a. Revising the date of the clause;
■ b. Adding in alphabetical order the definitions ''Construction'' and ''Large-scale construction project'' in paragraph (a);
■ c. Revising the definition ''Labor organization'' in paragraph (a);
■ d. Removing from paragraph (b) ''this contract in accordance with solicitation provision 52.222–33, Notice of Requirement for Project Labor Agreement'' and adding ''the contract'' in its place;
■ e. Revising paragraph (c);
■ f. In Alternate I:
■ i. Revising the date;
■ ii. Removing from paragraph (b) ''Consistent with applicable law, the Contractor shall negotiate a'' and adding ''The Contractor shall negotiate or become party to a'' in its place;
■ iii. Removing from paragraph (c) introductory text ''Consistent with applicable law, the project'' and adding ''The project'' in its place;
■ iv. Removing from paragraph (c)(1) ''and all'' and adding ''and'' in its place;
■ v. Removing from paragraph (c)(4) ''the project'' and adding ''the term of the project'' in its place;
■ vi. Revising paragraph (f); and
■ g. Adding Alternate II.

The revisions and additions read as follows:

52.222–34 Project Labor Agreement.

* * * * *

Project Labor Agreement (Date)

(a) * * *

Construction means construction, reconstruction, rehabilitation, modernization, alteration, conversion, extension, repair, or improvement of buildings, structures, highways, or other real property.

Labor organization means a labor organization as defined in 29 U.S.C. 152(5) of which building and construction employees are members.

Large-scale construction project means a Federal construction project within the United States for which the total estimated cost of the construction contract(s) to the Federal Government is $35 million or more.

* * * * *

(c) *Subcontracts.* (1) The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts with subcontractors engaged in construction on the construction project.

(2) The Contractor shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

* * * * *

Alternate I (Date). * * *

* * * * *

(f) *Subcontracts.* (1) The Contractor shall require subcontractors engaged in construction on the construction project to agree to any project labor agreement negotiated by the prime contractor pursuant to this clause, and shall include the substance of paragraphs (d) through (f) of this clause in all subcontracts with subcontractors engaged in construction on the construction project.

(2) The Contractor shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

Alternate II (Date). As prescribed in 22.505(b)(3), substitute the following paragraphs (b) through (f) for paragraphs (b) through (f) of the basic clause:

(b) When notified by the agency (*e.g.,* by the notice of intent to place an order under 16.505(b)(1)) that this order will use a project labor agreement, the Contractor shall negotiate or become a party to a project labor agreement with one or more labor organizations for the term of the order. The Contracting Officer shall require that an executed copy of the project labor agreement be submitted to the agency—

(1) With the order offer;

(2) Prior to award of the order; or

(3) After award of the order.

(c) The project labor agreement reached pursuant to this clause shall—

(1) Bind the Contractor and subcontractors engaged in construction on the construction project to comply with the project labor agreement;

(2) Allow contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements;

(3) Contain guarantees against strikes, lockouts, and similar job disruptions;

(4) Set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement;

(5) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(6) Fully conform to all statutes, regulations, Executive orders, and agency requirements.

(d) Any project labor agreement reached pursuant to this clause does not change the terms of this contract or provide for any price adjustment by the Government.

(e) The Contractor shall maintain in a current status throughout the life of the order any project labor agreement entered into pursuant to this clause.

(f) *Subcontracts.* (1) For each order that uses a project labor agreement, the Contractor shall—

(i) Require subcontractors engaged in construction on the construction project to agree to any project labor agreement negotiated by the prime contractor pursuant to this clause; and

(ii) Include the substance of paragraphs (d) through (f) of this clause in all subcontracts with subcontractors engaged in construction on the construction project.

(2) The Contractor shall not require subcontractors to enter into a project labor agreement with any particular labor organization when the project labor agreement includes multiple signatory labor organizations representing the same trade.

[FR Doc. 2022–17067 Filed 8–18–22; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register
Vol. 87, No. 160
Friday, August 19, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–22–0012]

Opportunity for United States Grain Standards Act Designation in the Alabama: Essex, Illinois: Missouri; Hastings, Nebraska; Aberdeen, South Dakota; and Washington areas; and Request for Comments on the Official Agencies Servicing These Areas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The United States Grain Standards Act (USGSA) designations of the official agencies listed in **SUPPLEMENTARY INFORMATION** below will end on the prescribed dates. The Agricultural Marketing Service (AMS) is seeking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. Designation provides for private entities or state governmental agencies to be an integral part of the official grain inspection system. Designated agencies work under the supervision of AMS's Federal Grain Inspection Service (FGIS) and are authorized to provide official inspection and weighing services in a defined geographical area. In addition, we request comments on the quality of services provided by the following designated agencies: Alabama Department of Agriculture and Industries (Alabama); Kankakee Grain Inspection, Inc. (Kankakee); Missouri Department of Agriculture (Missouri); Hastings Grain Inspection, Inc. (Hastings); Aberdeen Grain Inspection, Inc. (Aberdeen); and Washington Department of Agriculture (Washington). AMS encourages submissions from traditionally underrepresented individuals, organizations, and businesses to reflect the diversity of this industry. AMS encourages submissions from qualified applicants, regardless of race, color, age, sex, sexual orientation, gender identity, national origin, religion, disability status, protected veteran status, or any other characteristic protected by law.

DATES: Applications and comments for areas of designation terminating on September 30, 2022, currently operated by Aberdeen, Hastings, and Missouri must be received by September 19, 2022.

Applications and comments for areas of designation terminating on December 31, 2022, currently operated by Alabama, Kankakee, and Washington must be received between October 1, 2022, and October 31, 2022.

ADDRESSES: Submit applications and comments concerning this Notice using any of the following methods:

- *To apply for USGSA Designation:* Go to FGISonline (*https://fgisonline.ams.usda.gov/*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number (CIM) and create a USDA eAuthentication account at *https://www.eauth.usda.gov/* prior to applying.
- *To submit Comments Regarding Current Designated Official Agencies:* Go to *Regulations.gov* (*https://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site. Interested persons are invited to submit written comments concerning this notice. All comments must be submitted through the Federal e-rulemaking portal at *https://www.regulations.gov* and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

Read Applications and Comments: All comments will be available for public inspection online at *https://www.regulations.gov.* If you would like to view the applications, please contact us at *FGISQACD@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Austyn L. Hughes, Compliance Officer, Federal Grain Inspection Service, AMS, USDA; Telephone (816) 266–5066; or Email: *FGISQACD@usda.gov.*

SUPPLEMENTARY INFORMATION: The designations of the official agencies listed below will end on the prescribed dates:

Official agency	Headquarters location and telephone	Designation end	Applications/comments open period
Aberdeen Grain Inspection, Inc	Aberdeen, SD, 605–225–8432	09/30/2022	30 Days After Publication.
Hastings Grain Inspection, Inc	Hastings, NE, 308–384–2174	09/30/2022	30 Days After Publication.
Missouri Department of Agriculture	Jefferson City, MO, 573–751–5515	09/30/2022	30 Days After Publication.
Alabama Department of Agriculture and Industries.	Montgomery, AL, 251–438–2549	12/31/2022	08/01/2022–08/31/2022.
Kankakee Grain Inspection, Inc	Essex, IL, 815–365–2268	12/31/2022	08/01/2022–08/31/2022.
Washington Department of Agriculture	Olympia, WA, 360–870–1178	12/31/2022	08/01/2022–08/31/2022.

Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). A designated agency may provide official inspection service and/or Class X or Class Y weighing services at locations other than port locations. Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

See also, 7 CFR 800.196 for further information and guidance.

Designation Application Locations

The following list identifies the currently operating designated official agencies and the specific areas of operation for designation applications. Please review the additional information provided via separate **Federal Register** notice for complete understanding of locations needing service designation. These are listed in order of anticipated designation termination date.

Aberdeen: Areas of designation include parts of North Dakota and South Dakota. Please see the May 30, 2017, issue of the **Federal Register** (82 FR 24671) for descriptions of the areas open for designation.

Hastings: Areas of designation include parts of Nebraska. Please see the May 30, 2017, issue of the **Federal Register** (82 FR 24671) for descriptions of the areas open for designation.

Missouri: Areas of designation include the entire state of Missouri. Please see the May 22, 2017, issue of the **Federal Register** (82 FR 23174*)* for descriptions of the areas open for designation.

Alabama: Areas of designation include the entire state of Alabama (except for export port locations). Please see the July 3, 2017, issue of the **Federal Register** (82 FR 30820) for descriptions of the areas open for designation.

Kankakee: Areas of designation include parts of Illinois. Please see the July 3, 2017, issue of the **Federal Register** (82 FR 30817) for descriptions of the areas open for designation.

Washington: Areas of designation include the entire state of Oregon (except for export port locations), the entire state of Washington (except for export port locations), and parts of Idaho. Please see the July 3, 2017, issue of the **Federal Register** (82 FR 30819) for descriptions of the areas open for designation.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas of the official agencies specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designations in the specified geographic areas for Aberdeen, Hastings, and Missouri begin October 1, 2022. Designations in the specified geographic areas for Alabama, Kankakee, and Washington begin January 1, 2023. To apply for designation or to request more information on the geographic areas serviced by these official agencies, contact *FGISQACD@usda.gov.*

Please note that sampling, weighing, and inspection services may be offered by designated agencies under the Agricultural Marketing Act of 1946 for other commodities under the auspices of FGIS through separate cooperative agreements with AMS. The service area for such cooperative agreements mirrors the USGSA designation area. For further information, see 7 U.S.C. 1621 *et seq.* or contact *FGISQACD@usda.gov.*

Request for Comments

We are publishing this Notice to provide interested persons the opportunity to comment on the quality of services provided by Aberdeen, Hastings, Missouri, Alabama, Kankakee, and Washington official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant(s). Such comments should be submitted through the Federal e-rulemaking portal at *https://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–17839 Filed 8–18–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–35–2022]

Foreign-Trade Zone (FTZ) 30—Salt Lake City, Utah, Notification of Proposed Production Activity, Albion Laboratories, Inc. (Mineral Amino Acid Chelates), Ogden, Utah

Albion Laboratories, Inc. (Albion) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Ogden, Utah within Subzone 30E. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 15, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include: calcium bisglycinate; calcium citrate malate; calcium potassium phosphate citrate; chromium nicotinate glycinate chelate; copper bisglycinate; dicalcium malate; dimagnesium malate; ferric glycinate; ferrous bisglycinate; magnesium creatine; magnesium bisglycinate; magnesium lysinate glycinate; manganese bisglycinate; selenium glycinate; and, zinc bisglycinate chelate (duty rate ranges from 3.7% to 6.5%).

The proposed foreign-status materials and components include glycine (aminoacetic acid), citric acid, and malic acid (duty rate ranges from 4%–6%). The request indicates that glycine and citric acid are subject to antidumping/countervailing duty (AD/CVD) orders if imported from certain countries. The Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign (PF) status (19 CFR 146.41). The request also indicates that all materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in PF status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is September 28, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Diane Finver at *Diane.Finver@trade.gov*.

Dated: August 15, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–17855 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–807]

Sulfanilic Acid From India: Rescission of Countervailing Duty Administrative Review; 2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on sulfanilic acid from India, covering the period January 1, 2021 through December 31, 2021.

DATES: Applicable August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Brendan Quinn, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5848.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on sulfanilic acid from India.[1] On March 30, 2022, the Government of India (GOI) timely requested that Commerce conduct an administrative review of the CVD order on sulfanilic acid from India covering the period of review (POR) January 1, 2021, through December 31, 2021, without naming specific producers or exporters.[2] We received no other requests for review. On May 13, 2022, Commerce published in the **Federal Register** a notice of initiation of an administrative review with respect to all producers and exporters of sulfanilic acid from India, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[3] On May 18, 2022, Commerce notified all interested parties that we requested U.S. Customs and Border Protection (CBP) entry data for all producer/exporters of sulfanilic acid from India during the POR, and that the results of the query indicated that there were no reviewable entries from producers/exporters from India during the POR.[4] In the CBP Entry Memorandum, we also stated that, because there were no reviewable entries, we were notifying interested parties of our intent to rescind the review in full, and we provided all parties an opportunity to comment on the CBP data and our intent to rescind.[5] No party submitted comments.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a CVD order where it concludes that there were no reviewable entries of subject merchandise during the POR.[6] Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate for the review period.[7] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated CVD assessment rate for the review period.[8] As noted above, there were no entries of subject merchandise during the POR from producers/exporters from India during the POR. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(3).

Assessment

Commerce will instruct CBP to assess countervailing duties on all appropriate entries. Because Commerce is rescinding this review in its entirety, the entries to which this administrative review pertained shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of the APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 15, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–17856 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 87 FR 12086 (March 3, 2022).

[2] *See* GOI's Letter, ''Request for Administrative Review of Countervailing duty imposed on Sulfanilic Acid (C533–807),'' dated March 30, 2022.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 29280 (May 13, 2022).

[4] *See* Memorandum, ''CBP Entry Data Release,'' dated May 18, 2022 (CBP Entry Memorandum).

[5] *Id.*

[6] *See, e.g., Certain Softwood Lumber Products from Canada: Final Results and Final Rescission, in Part, of the Countervailing Duty Administrative Review, 2020,* 87 FR 48455 (August 9, 2022).

[7] *See* 19 CFR 351.212(b)(2).

[8] *See* 19 CFR 351.213(d)(3).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839, A–583–833]

Polyester Staple Fiber From the Republic of Korea and Taiwan: Continuation of the Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on polyester staple fiber (PSF) from the Republic of Korea (Korea) and Taiwan would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders.

DATES: Applicable August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Theodore Pearson, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2631.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, Commerce published the *Orders* on PSF from Korea

and Taiwan.[1] On January 3, 2022, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), Commerce published the initiation of the fourth sunset reviews of the *Orders* and the ITC instituted its review of the *Orders*.[2]

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of dumping. Commerce, therefore, notified the ITC of the magnitude of the margins of dumping rates likely to prevail should these *Orders* be revoked.[3]

On August 12, 2022, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Orders

The product covered by the *Orders* is certain polyester staple fiber (PSF). PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to these *Orders* may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.25 is specifically excluded from these *Orders.* Also specifically excluded from these *Orders* are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from these *Orders.* Low-melt PSF is defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component.

The merchandise subject to these *Orders* is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders.* The U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) reviews of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return, destruction, or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

Notification to Interested Parties

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 15, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–17920 Filed 8–18–22; 8:45 am]

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[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000) (*Orders*); *see also Certain Polyester Staple Fiber from Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision,* 68 FR 74552 (December 24, 2003).

[2] *See Initiation Notice of Five-Year (Sunset) Reviews,* 87 FR 76 (January 3, 2022); *see also Polyester Staple Fiber from Korea and Taiwan; Institution of Five-Year Reviews,* 87 FR 119 (January 3, 2022).

[3] *See Polyester Staple Fiber the Republic of Korea, and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders,* 87 FR 27567 (May 9, 2022), and accompanying Issues and Decision Memorandum.

[4] *See Certain Polyester Staple Fiber from South Korea and Taiwan,* 87 FR 49886 (August 12, 2022); *see also Certain Polyester Staple Fiber from South Korea and Taiwan,* Investigation Nos. 731–TA–825–826 (Fourth Review), USITC Pub. 5341 (August 2022).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–030; C–580–882]

Certain Cold-Rolled Steel Flat Products From the People's Republic of China and the Republic of Korea: Continuation of Countervailing Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the countervailing duty (CVD) orders on certain cold-rolled steel flat products (cold-rolled steel or CRS) from the People's Republic of China (China) and the Republic of Korea (Korea) would likely lead to continuation or recurrence of net countervailable subsidies and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the CVD orders.

DATES: Applicable August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1221 or (202) 482–7421, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 14 and September 20, 2016, Commerce published in the **Federal Register** the CVD orders on cold-rolled steel from China and Korea, respectively.[1] On June 1, 2021, Commerce published a notice of initiation of the first sunset review of the *Orders,* pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act).[2] Commerce conducted expedited (120-day) sunset reviews of the *Orders,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

As a result of these reviews, pursuant to sections 751(c)(1) and 752(c) of the

[1] *See Certain Cold-Rolled Steel Flat Products from the People's Republic of China: Countervailing Duty Order,* 81FR 45960 (July 14, 2016) (*CRS China Order*); and *Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing DutyOrder (the Republic of Korea) and Countervailing Duty Orders (Brazil and India),* 81 FR 64436 (September 20, 2016) (*CRS Korea Order*) (collectively, the *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 29239 (June 1, 2021).

Act, Commerce determined that revocation of the *Orders* on cold-rolled steel from China and Korea would likely lead to continuation or recurrence of countervailable subsidies. Commerce, therefore, notified the ITC of the magnitude of the net countervailable subsidy rates likely to prevail should the *Orders* be revoked.[3]

On August 12, 2022, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Orders

CRS From China[5]

The products covered by this *Order* are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) Where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this *Order* are products in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes cold-rolled steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of this *Order* if performed in the country of manufacture of the cold-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this *Order* unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this *Order:*

- Ball bearing steels;[6]
- Tool steels;[7]
- Silico-manganese steel;[8]
- Grain-oriented electrical steels (GOES) as defined in the final determination of the U.S. Department of Commerce in Grain-Oriented Electrical Steel from Germany, Japan, and Poland.[9]
- Non-Oriented Electrical Steels (NOES), as defined in the antidumping

[3] *See Certain Cold-Rolled Steel Flat Products from the People's Republic of China and the Republic of Korea: Final Results of the Expedited First Sunset Review of the Countervailing Duty Orders,* 86 FR 54677 (September 28, 2021), and accompanying Issues and Decision Memorandum (IDM).

[4] *See Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, South Korea, and the United Kingdom,* 87 FR 49886 (August 12, 2022).

[5] *See CRS China Order; see also* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the People's Republic of China (C–570–030): Request from Customs and Border Protection to Update the ACE AD/CVD Case Reference File,'' dated September 13, 2021; and *Certain Cold-Rolled Steel Flat Products from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders,* 83 FR 23891 (May 23, 2018), and accompanying IDM.

[6] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[7] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) more than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[8] Silico-manganese steel is defined as steels containing by weight: (i) not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

[9] *See Grain-Oriented Electrical Steel from Germany, Japan, and Poland: Final Determinations of Sales at Less Than Fair Value and Certain Final Affirmative Determination of Critical Circumstances,* 79 FR 42501, 42503 (July 22, 2014). This determination defines grain-oriented electrical steel as ''a flat-rolled alloy steel product containing by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths.''

orders issued by the U.S. Department of Commerce in Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan.[10]

The products subject to this *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0040, 7209.16.0045, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0040, 7209.17.0045, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050.

The products subject to this *Order* may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of this *Order* is dispositive.

CRS From Korea [11]

The products covered by this *Order* are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this *Order* are products in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes cold-rolled steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of this *Order* if performed in the country of manufacture of the cold-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this *Order* unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this *Order:*

[10] *See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders,* 79 FR 71741, 71741–42 (December 3, 2014) (*NOES from Germany, Japan, and Poland Order*). The orders define NOES as ''cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term 'substantially equal' means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.,* the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.,* parallel to) the rolling direction of the sheet (*i.e.,* B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.''

[11] *See CRS Korea Order; see also* Memorandum ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea (C–580–882): Request from Customs and Border Protection to Update the ACE AD/CVD Case Reference File,'' dated September 13, 2021; and *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2018,* 86 FR 40465 (July 28, 2021) (*CRS Korea 2018 Final Results*), and accompanying IDM.

- Ball bearing steels; [12]
- Tool steels; [13]
- Silico-manganese steel; [14]
- Grain-oriented electrical steels (GOES) as defined in the final determination of the U.S. Department of Commerce in Grain-Oriented Electrical Steel from Germany, Japan, and Poland.[15]
- Non-Oriented Electrical Steels (NOES), as defined in the antidumping orders issued by the U.S. Department of Commerce in Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan.[16]

The products subject to this *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0040, 7209.16.0045, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0040, 7209.17.0045, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050.

The products subject to this *Order* may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of this *Order* is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of countervailable subsidies as well as material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders.*

U.S. Customs and Border Protection will continue to collect CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.281(c)(2), Commerce intends to initiate the next five-year (sunset) review of the *Orders* no later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return, destruction, or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

Notification to Interested Parties

This five-year sunset review and this notice are in accordance with section 751(c) and (d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 15, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–17919 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–DS–P

[12] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[13] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) more than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[14] Silico-manganese steel is defined as steels containing by weight: (i) not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

[15] *See NOES from Germany, Japan, and Poland Order.* This determination defines grain-oriented electrical steel as ''a flat-rolled alloy steel product containing by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths.''

[16] *See NOES from Germany, Japan, and Poland Order.* The orders define NOES as ''cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term 'substantially equal' means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.,* the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.,* parallel to) the rolling direction of the sheet (*i.e.,* B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.''

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC283]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Ecosystem-Based Fishery Management Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, September 7, 2022, at 9:30 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/8496704127565208587.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The EBFM Committee will receive updates on and discuss the following issues: preparation for public information workshops on Ecosystem-Based Fishery Management for Georges Bank. Prototype Management Strategy Evaluation of Georges Bank Ecosystem-Based Fishery management strategies. Development of 2023 management priority recommendations for EBFM. Other business will be discussed as necessary. Discussions with NOAA Fisheries leadership about National Standard 1 concerns about stock complex catch limit management proposed in the example Fishery Ecosystem Plan.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 16, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–17896 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC279]

Marine Mammals; File No. 26532

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that The Marine Mammal Center, 2000 Bunker Road, Sausalito, CA 94965 (Responsible Party: Dominic Travis), has applied in due form for a permit to conduct research on six species of cetacean.

DATES: Written, telefaxed, or email comments must be received on or before September 19, 2022.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 26532 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 26532 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Erin Markin, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to study six species of cetacean, including endangered blue whales, fin whales, and humpback whales, along the coast of California. The purpose of the research is to understand the distribution, movements, seasonality, habitat use, and behavior of cetaceans, and anthropogenic threats to these species. Research would consist of small vessel surveys with close approaches for photographic identification and behavioral observations as well as surveys via unmanned aircraft systems. Six species of pinniped and three species of cetacean could be unintentionally harassed during research. Take numbers for each species can be found in the application's take table. The permit would be valid for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 15, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–17818 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC175]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting via webinar to discuss the Florida Keys National Marine Sanctuary Proposed Rule and the Western Central Atlantic Fisheries Committee.

DATES: The meeting will be held on Wednesday, September 21, 2022, from 9 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. Webinar registration

is required. Details are included in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Meeting information, including the webinar registration link, online public comment form, agenda, and briefing book materials will be posted on the Council's website at: *https://safmc.net/council-meetings/*. Comments become part of the Administrative Record of the meeting and will automatically be posted to the website and available for Council consideration.

At this meeting the Council will review and comment on the Proposed Rule for the Florida Keys National Marine Sanctuary and receive a presentation on the Western Central Atlantic Fisheries Committee and its dolphin/flying fish committee.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 16, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–17891 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC280]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ecosystem Subcommittee of the Scientific and Statistical Committee (SSC) will hold an online meeting to review new analyses conducted by the NMFS California Current Integrated Ecosystem Assessment Team that may potentially inform future annual reports to the Pacific Council on the state of the California Current Ecosystem.

DATES: The online meeting will be held Friday, September 16, 2022, from 8:30 a.m. to 5 p.m. Pacific Daylight Time (PDT).

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: John DeVore, Staff Officer, Pacific Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The SSC's Ecosystem Subcommittee will review analyses conducted by the NMFS California Current Integrated Ecosystem Assessment Team. Specifically, the SSC Ecosystem Subcommittee will review the following two items: (1) strategic review of the salmon indicator portfolio, and (2) development of the climate change appendix. Members of the SSC's Salmon Subcommittee, the Salmon Technical Team, and the Salmon Advisory Subpanel are encouraged to attend given the focus on environmental drivers informing future salmon management decisions.

No management actions will be decided by the SSC's Ecosystem Subcommittee. The SSC Ecosystem Subcommittee members' role will be the development of recommendations and a report for consideration by the SSC and the Pacific Council at their March 2023 meeting in Seattle, WA.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: August 16, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–17892 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Solicitation for Members of the Ocean Exploration Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation for members of the NOAA Ocean Exploration Advisory Board.

SUMMARY: NOAA is soliciting nominations for Indigenous, Tribal, Native American, Alaska Native, or Native Hawaiian stakeholders from the Alaska or Pacific Ocean basin regions to join the Ocean Exploration Advisory Board (OEAB). The purpose of the OEAB is to advise the NOAA Administrator on matters pertaining to ocean exploration including (1) priority areas for survey and discovery; (2) development of a five-year strategic plan for the fields of ocean, marine, and Great Lake science, (3) exploration and discovery; and, (4) the annual review of the NOAA Ocean Exploration Competitive Grants Program process.

The OEAB functions as an advisory board in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App., with the exception of section 14. It reports to the NOAA Administrator, as directed by 33 U.S.C. 3405 and is provided staffing and other support by the NOAA Office of Ocean Exploration and Research.

DATES: Nominations should be sent to the email address specified below and must be received by October 18, 2022.

ADDRESSES: Applications should be submitted via email to Joanne Flanders: *joanne.flanders@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: David Turner, Ocean Exploration Advisory Board, Designated Federal Officer: (859) 327–9661; *david.turner@noaa.gov.*

SUPPLEMENTARY INFORMATION: At this time, NOAA is soliciting applications to fill up to two vacancies on the OEAB from individuals demonstrating expertise and experience in areas that include scientific research relevant to ocean exploration, ocean engineering, data science, deep ocean biology, geology, oceanography, marine archaeology, or ocean-science education and communication. NOAA will give particular consideration to applications from Indigenous, Tribal, Native American, Alaska Native, or Native Hawaiian stakeholders from the Alaska or Pacific Ocean basin regions, as such stakeholders' input will be valuable in generating advice specific to those regions and stakeholders. Individuals with expertise in other NOAA ocean exploration areas are also welcome to apply, as well as representatives of other federal agencies involved in ocean exploration. The OEAB members will serve a three-year term with the possibility of one renewal for an additional three-year term. The Board meets two to three times a year.

Composition and Points of View: The OEAB consists of approximately 10 members, including a chair and co-chair(s), designated by the NOAA Administrator in accordance with FACA requirements and the terms of the approved OEAB *Charter* and *Balance Plan.* OEAB members represent government agencies, the private sector, academic institutions, not-for-profit, and other institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration. As a Federal Advisory Committee, OEAB membership is required to be balanced in terms of viewpoints represented and the functions to be performed as well as including the interest of geographic regions of the country and the diverse sectors of our society.

The OEAB was established: To advise the NOAA Administrator on priority areas for survey and discovery; assist the program in the development of a five-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery; annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and provide other assistance and advice as requested by the Administrator. In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of U.S. stakeholders and partnerships advancing national priorities for ocean exploration.

OEAB members are appointed as Special Government Employees (SGEs) and will be subject to the ethical standards applicable to SGEs. Members are reimbursed for actual and reasonable expenses incurred in performing such duties, including travel costs, but will not be reimbursed for their time. All OEAB members serve at the discretion of the NOAA Administrator.

For more information about the OEAB, visit *https://oeab.noaa.gov.*

Although the OEAB reports directly to the NOAA Administrator, it is provided staffing and other support from the NOAA Office of Ocean Exploration and Research which is part of the Office of Oceanic and Atmospheric Research (OAR). NOAA Ocean Exploration and Research is the only U.S. federal organization dedicated to exploring the deep ocean and the program:

- Explores the ocean to make discoveries of scientific, economic, and cultural value, with priority given to the U.S. Exclusive Economic Zone and Extended Continental Shelf;
- Promotes technological innovation to advance ocean exploration;
- Provides public access to data and information;
- Encourages the next generation of ocean explorers, scientists, and engineers; and
- Expands the national ocean exploration program through partnerships.

For more information about the NOAA Office of Ocean Exploration and Research, visit *https://oceanexplorer.noaa.gov.*

Nominations: Interested persons may nominate themselves or third parties.

Applications: An application is required to be considered for Board membership, regardless of whether a person is nominated by a third party or self-nominated. The application package must include: (1) the nominee's full name, title, institutional affiliation, and contact information including mailing address, email address, and telephone number; (2) a resume (maximum length four [4] pages); and (3) a cover letter that includes a description of their qualifications relative to the kinds of advice being solicited by NOAA in this Notice.

Privacy Act Statement

Authority. The collection of information concerning nominations to the OEAB is authorized under the FACA, as amended, 5 U.S.C. App. and its implementing regulations, 41 CFR part 102–3, and in accordance with the Privacy Act of 1974, as amended, (Privacy Act) 5 U.S.C. 552a.

Purpose. The collection of names, contact information, resumes, professional information, and qualifications is required in order for the Under Secretary to appoint members to the OEAB.

Routine Uses. NOAA will use the nomination information for the purpose set forth above. The Privacy Act of 1974 authorizes disclosure of the information collected to NOAA staff for work-related purposes and for other purposes only as set forth in the Privacy Act and for routine uses published in the Privacy Act System of Records Notice COMMERCE/DEPT–11, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/dept-11.htm,* and the System of Records Notice COMMERCE/DEPT–18, Employees Personnel Files Not Covered by Notices of Other Agencies, available at *https://www.osec.doc.gov/opog/PrivacyAct/SORNs/DEPT-18.htm.*

Disclosure. Furnishing the nomination information is voluntary; however, if the information is not provided, the individuals would not be considered for appointment as a member of the OEAB.

Paul Johnson,

Acting Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–17899 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC286]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will

hold its American Samoa Fishery Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), Mariana Archipelago FEP-Commonwealth of the Northern Mariana Islands (CNMI) AP, Mariana Archipelago FEP-Guam AP, Fishing Industry Advisory Committee (FIAC), and the Non-Commercial Fishing Advisory Committee (NCFAC) meetings to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between September 6 and September 8, 2022. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held by web conference via Webex. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The FIAC will meet on Tuesday, September 6, 2022, from 2 p.m. to 5 p.m., the American Samoa Archipelago FEP AP will meet on Tuesday, September 6, 2022, from 5 p.m. to 8 p.m., the Mariana Archipelago FEP–CNMI AP will meet on Thursday, September 8, 2022, from 9 a.m. to 11 a.m., the Mariana Archipelago FEP-Guam AP will meet on Thursday September 8, 2022, from 6:30 p.m. to 10 p.m., and the NCFAC will meet on Thursday, September 8, 2022, from 1 p.m. to 4 p.m. All times listed are local island times except for the FIAC and NCFAC, which are in Hawaii Standard Time.

Public comment periods will be provided in the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the FIAC Meeting

Tuesday, September 6, 2022, From 2 p.m. to 5 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Status Report on Previous FIAC Recommendations
3. Roundtable update on Fishing/Market Issues/Impacts
4. Status of the Hawaii Deep-Set Longline and American Samoa Longline Biological Opinions
5. Alternatives for an Aquaculture Management Framework in the Western Pacific
6. Value of Tuna Cannery to American Samoa
7. Update on American Samoa Albacore Performance and Diversification
8. Pacific Remote Islands Coalition Proposal to Expand the Pacific Remote Islands Marine National Monument (PRIMNM)
9. Outcomes of Final Borders Beyond National Jurisdiction Session
10. June 2022 Permanent Advisory Committee to the Western and Central Pacific Fisheries Commission
11. National Seafood Strategy
12. Other Issues
13. Public Comment
14. Discussion and Recommendations

Schedule and Agenda for the American Samoa Archipelago FEP AP Meeting

Tuesday, September 6, 2022, From 5 p.m. to 8 p.m. (Samoa Standard Time)

1. Welcome and Introductions
2. Review of Last AP Meeting and Recommendations
3. American Samoa Fishery Issues and Activities
   A. Alternatives for an Aquaculture Management Framework in the Western Pacific
   B. Update on Draft American Samoa Longline Biological Opinion
   C. American Samoa Large Vessel Prohibited Area Performance Review
   D. Update on the Bottomfish Management Unit Species (BMUS) Revision
4. Pacific Remote Island Coalition Request to Expand the PRIMNM
5. 2022 AP Activities Plan
   A. Sustainable Fishery Fund Projects
   B. Education and Outreach
6. Feedback from the Fleet
   A. Fishermen Observations
   B. AP Issues
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the Mariana Archipelago FEP–CNMI AP Meeting

Thursday, September 8, 2022, 9 a.m. to 11 a.m. (Chamorro Standard Time)

1. Welcome and Introductions
2. Review of Last AP Meeting and Recommendations
3. Feedback from the Fleet
   A. CNMI Fishermen Observations
4. Advisory Panel Issues
5. CNMI Fishery Issues and Activities
   A. Alternatives for an Aquaculture Management Framework in the Western Pacific
   B. Pacific Remote Island Coalition Request to Expand the PRIMNM
   C. Smart Fish Aggregating Device (FAD) Project Update
   D. Report on Young Fishermen's Act
   E. Report on Marianas Meetings and Update on the BMUS Revisions
   F. Catchit Logit Updates
   G. Sustainable Fishery Fund Projects Update
   H. Updates on the Proposed Sanctuary Designation for the Marianas Trench Marine National Monument
   I. Updates on the Proposed Rule for Coral Critical Habitat in the Marianas
6. 2022 AP Activities Plan
   A. AP Outreach and Education
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the Mariana Archipelago FEP–Guam AP Meeting

Thursday, September 8, 2022, 6:30 p.m. to 10 p.m. (Chamorro Standard Time)

1. Welcome and Introductions
2. Review of Last AP Meeting and Recommendations
3. Feedback from the Fleet
   A. Fishermen Observations
   B. AP Issues
4. Guam Fishery Issues and Activities
   A. Alternatives for an Aquaculture Management Framework in the Western Pacific
   B. Pacific Remote Islands Coalition Request to Expand the PRIMNM
   C. Young Fishermen's Development Act
   D. Report on Marianas Meetings and Update on the BMUS Revisions
   E. Report on the National Marine Fisheries Service Equity and Environmental Justice Guam Meetings
   F. Smart FAD Project Update
   G. Catchit Logit Updates
   H. AP Discussion
5. 2022 AP Activities
   A. AP Outreach and Education
   B. AP Discussion
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Schedule and Agenda for the NCFAC Meeting

Thursday, September 8, 2022, 1 p.m. to 4 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Review of Last NCFAC Meeting and Recommendations
3. Fisheries Observations and Issues
   A. Changes in the Fisheries This year to Date
   B. Changes in the Ecosystem This

Year to Date
4. Council Issues
A. Northwestern Hawaiian Islands Fishing Regulations
B. Hawaii Small Boat Fisheries
5. Non-Commercial Fisheries Discussion
A. Marine Recreational Information Program Regional Implementation Plan Discussion
B. NOAA Saltwater Recreational Fisheries Policy
C. Review of National Saltwater Recreational Fisheries Summit Agency Actions
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: August 16, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–17897 Filed 8–18–22; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* September 18, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 325 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–64041 email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following service(s) are proposed for deletion from the Procurement List:

Service(s)

Service Type: IT Support Services
Mandatory for: Defense Health Agency, Solution Delivery Division, 7700 Arlington Blvd., Falls Church, VA
Designated Source of Supply: Global Connections to Employment, Inc., Pensacola, FL
Contracting Activity: DEFENSE HEALTH AGENCY (DHA), DEFENSE HEALTH AGENCY

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2022–17886 Filed 8–18–22; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* September 18, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 325 E Street SW, Suite 325, Washington DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 12/3/2021, 5/13/2022, 5/20/2022 and 7/8/2022, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

NSN(s)—Product Name(s):
MR 13109—Cookie Tool, Scoop N' Cut
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency

NSN(s)—Product Name(s):
7510–00–224–7676—Felt Stamp Pad, Size #1, 2 3/4″ x 4 1/4″, Un-Inked
7510–00–526–1741—Foam Stamp Pad, Size #2, 3 1/4″ x 6 1/4″, Un-Inked
7510–01–431–6518—Felt Stamp Pad, Size #1, 2 3/4″ x 4 1/4″, Red
7510–01–431–6519—Foam Stamp Pad, Size# 2, 3 1/4″ x 6 1/4″, Red
7510–01–431–6521—Felt Stamp Pad, Size #1, 2 3/4″ x 4 1/4″, Black
7510–01–431–6522—Foam Stamp Pad, Size# 2, 3 1/4″ x 6 1/4″, Black
Designated Source of Supply: NYSARC, Inc., Cattaraugus Niagara Counties Chapter, Olean, NY
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7520–00–281–5896—Stapler, Long Reach, 12″ Throat, Black
Designated Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7510–00–526–1740—Foam Stamp Pad, Size #3, 4 1/2″ x 7 1/2″, Uninked
7510–00–231–6531—Felt Stamp Pad, Size #2, 3–1/4″ x 6–1/4″, Un-Inked
7510–00–526–1742—Foam Stamp Pad, Size #1, 2 3/4″ x 4 1/2″, Un-Inked
7510–01–431–6517—Foam Stamp Pad, Size #1, 2 3/4″ x 4 1/2″, Red

7510–01–431–6523—Felt Stamp Pad, Size #2, 3 1/4″ x 6 1/4″, Black
7510–01–431–6524—Foam Stamp Pad, Size #3, 4 1/2″ x 7 1/2″, Black
7510–01–431–6525—Foam Stamp Pad, Size #1, 2 3/4″ x 4 1/2″, Black
7510–01–431–6526—Foam Stamp Pad, Size #3, 4 1/2″ x 7 1/2″, Red
7510–01–431–8625—Felt Stamp Pad, Size#2 3 1/4″ x 6 1/4″, Red
7520–00–117–5627—Fingerprint Pad—Size#1, 2–3/4″ x 4–1/2″, Black
Designated Source of Supply: NYSARC, Inc., Cattaraugus Niagara Counties Chapter, Olean, NY
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7510–01–664–8785—DAYMAX System, 2021 Calendar Pad, Type I
7510–01–664–8814—DAYMAX System, 2021, Calendar Pad, Type II
Designated Source of Supply: Anthony Wayne Rehabilitation Ctr for Handicapped and Blind, Inc., Fort Wayne, IN
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
MR 1014—Pad, Scrubber, Specialty
MR 1015—Scrubber, Grout, Non-Scratch, Blue
MR 1090—Scrub Brush with Eraser, Utility
MR 1092—Scrub Brush with Eraser, Palm
MR 1094—Refill, Scrub Brush with Eraser, Palm, 2PK
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: Military Resale-Defense Commissary Agency

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: VA Medical Center: Dental Laboratory, Washington, DC
Designated Source of Supply: Columbia Lighthouse for the Blind, Washington, DC
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC
Service Type: Furniture Design and Configuration Services
Mandatory for: New Hampshire National Guard, 302 Newmarket Street, Newington, NH
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: DEPT OF THE ARMY, W7NN USPFO ACTIVITY NH ARNG

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2022–17887 Filed 8–18–22; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Public Availability of Fiscal Year 2020 Service Contract Inventory

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is publishing this notice to advise the public of the availability of CFTC's Fiscal Year 2020 Service Contract Inventory.

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Livia Bykov, Procurement Analyst, at 202–418–5103 or *lbykov@cftc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 743 of division C of the Consolidated Appropriations Act of 2010, Public Law 111–117, 123 Stat. 3034, CFTC is publishing this notice to advise the public of the availability of the Fiscal Year (FY) 2020 Service Contract Inventory. CFTC has posted its inventory documents on the agency website at the following link: *https://www.cftc.gov/About/CFTCReports/index.htm.*

This inventory provides information on service contracts above the Simplified Acquisition Threshold ($150,000), as determined by the base and all options value, that were awarded in FY 2020. CFTC's service contract inventory data is included in the government-wide inventory, which can be filtered to display the CFTC-specific data. A link to the government-wide inventory is included in the posting on the CFTC website, or it can be accessed directly at *https://www.acquisition.gov/service-contract-inventory.*

The inventory documents posted on the CFTC website also include the CFTC FY 2019 Service Contract Inventory Analysis (dated February 19, 2021). This report provides information about the Product Service Codes that the CFTC analyzed from the 2019 inventory.

Dated: August 15, 2022.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2022–17813 Filed 8–18–22; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Revise Collection Number 3038–0088: Swap Documentation

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed revisions to the collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on certain collections of information mandated by subpart I of part 23 of the Commission's Regulations (Swap Documentation).

DATES: Comments must be submitted on or before October 18, 2022.

ADDRESSES: You may submit comments, identified by ''Swap Documentation,'' and Collection Number 3038–0088 by any of the following methods:

- The Agency's website, at *https://comments.cftc.gov/*. Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as ''Mail'' above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Dina Moussa, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, at (202) 418–5696 or *dmoussa@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3

and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including revisions to an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed revision to an existing collection of information.[1]

Title: Swap Documentation (OMB Control No. 3038–0088).[2] This is a request to revise a currently approved information collection.

Abstract: On September 11, 2012, the Commission adopted Commission Regulations 23.500–23.505 [3] under sections 4s(f), (g) and (i) [4] of the Commodity Exchange Act (''CEA''). Commission Regulations 23.500–23.505 require, among other things, that swap dealers (''SDs'') [5] and major swap participants (''MSPs'') [6] develop and retain written swap trading relationship documentation. The Regulations also establish requirements for SDs and MSPs regarding swap confirmation, portfolio reconciliation, and portfolio compression. Under the Regulations, SDs and MSPs are obligated to maintain records of the policies and procedures required by the rules.[7]

Confirmation, portfolio reconciliation, and portfolio compression are important post-trade processing mechanisms for reducing risk and improving operational efficiency. The information collection obligations imposed by the Regulations are necessary to ensure that each SD and MSP maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction. The information collections contained in the Regulations are also essential to ensuring that SDs and MSPs document their swaps, reconcile their swap portfolios to resolve discrepancies and disputes, and wholly or partially terminate some or all of their outstanding swaps through regular portfolio compression exercises. These collections of information are mandatory.

In this particular instance, the Commission is revising its aggregate burden for this information collection by removing the burden hour estimate on cleared swap recordkeeping, as this subcategory was proposed but not finalized by the Commission and its burden estimate had been included erroneously under this information collection in previous renewals.[8] Additionally, in light of the increased number of Commission-registered SDs and MSPs, the total number of respondents (combined SDs and MSPs) is being increased to 108. The overall burden hours for each remaining category within the information collection have increased proportionally, to reflect the increase in the number of respondents.

With respect to the collections of information, the CFTC invites comments on:

- Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burdens of the proposed collections of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burdens of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[9]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, for reasons such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: Based on the proposed revisions to the estimated aggregate burden as discussed above, the respondent burden for the collection is estimated to be as follows:

- **OMB Control No. 3038–0088 (Swap Documentation)**

Number of Registrants: 108.

Estimated Average Burden Hours per Registrant: 7,324.5.

Estimated Aggregate Burden Hours: 791,046.

Frequency of Recordkeeping: As applicable.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 15, 2022.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2022–17840 Filed 8–18–22; 8:45 am]

BILLING CODE 6351–01–P

[1] An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number, 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi).

[2] The collections of information under OMB control numbers 3038–0068, 3038–0083, and 3038–0088 are now consolidated under OMB control number 3038–0088, and OMB control numbers 3038–0068 and 3038–0083 have been withdrawn as of July 5, 2022. Concurrently with this change, the Commission has changed the name associated with OMB control number 3038–0088 to ''Swap Documentation''.

[3] 17 CFR 23.500–23.505.

[4] 7 U.S.C. 6s(f), (g) & (i).

[5] For the definition of SD, *see* Section 1a(49) of the CEA and Commission Regulation 1.3; 7 U.S.C. 1a(49) and 17 CFR 1.3.

[6] For the definitions of MSP, *see* Section 1a(33) of the CEA and Commission Regulation 1.3; 7 U.S.C. 1a(33) and 17 CFR 1.3.

[7] SDs and MSPs are required to maintain all records of policies and procedures in accordance with Commission Regulations 23.203 and, by extension, 1.31, including policies, procedures, and models used for eligible master netting agreements and custody agreements that prohibit custodian of margin from re-hypothecating, repledging, reusing, or otherwise transferring the funds held by the custodian. *See* 17 CFR 1.31 and 23.203.

[8] *See* 77 FR 55903 (Sept. 11, 2012) (The Commission has considered the commenters' recommendation to delete the clearing record provisions of § 23.504(b)(6)(iii) and (iv) and agrees that there is no need to include in the trading documentation a record of the names of the clearing members for the SD, MSP, or counterparty. Once a swap is accepted for clearing, the identity of a counterparty's clearing member is no longer relevant and requiring such a record has the possibility to undermine the anonymity of central clearing. Therefore, those provisions have been deleted from the final rule. Similarly, § 23.504(b)(6)(i) and (ii) have been removed because those records will be captured under the SD and MSP recordkeeping requirement, § 23.201(a)(3), and the Commission believes those records are sufficient.).

[9] 17 CFR 145.9.

COMMODITY FUTURES TRADING COMMISSION

Renewal of the Global Markets Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of renewal.

SUMMARY: The Commodity Futures Trading Commission (Commission) is publishing this notice to announce the renewal of the Global Markets Advisory Committee (GMAC). The Commission has determined that the renewal of the GMAC is necessary and in the public's interest, and the Commission has consulted with the General Services Administration's Committee Management Secretariat regarding the GMAC's renewal.

FOR FURTHER INFORMATION CONTACT: Keaghan Ames, GMAC Designated Federal Officer, at 202–418–5644 or *kames@cftc.gov.*

SUPPLEMENTARY INFORMATION: The GMAC's objectives and scope of activities shall be to conduct public meetings, and to submit reports and recommendations on matters of public concern to the Commission; financial market infrastructures; intermediaries including swap dealers; advisors, end-users, and other market participants; service providers; international standard setting bodies; regulators; and others interested in or affected by the regulatory challenges of global markets, which reflect the increasing interconnectedness of markets and the multinational nature of business. The GMAC will help the Commission to identify methods to improve both U.S. and international regulatory structures without unnecessary regulatory or operational impediments to global business and while still preserving core protections for customers and other market participants. The GMAC will also promote international engagement through its recommendations and make recommendations for appropriate international standards for regulating futures, swaps, options, and derivatives markets, as well as intermediaries. In addition, the GMAC will assist the Commission in assessing the impact of the Commission's international efforts and the initiatives of foreign regulators and market authorities, including the impact on U.S. markets and firms.

The GMAC will operate for two years from the date of renewal unless the Commission directs that the GMAC terminate on an earlier date. A copy of the GMAC renewal charter has been filed with the Commission; the Senate Committee on Agriculture, Nutrition and Forestry; the House Committee on Agriculture; the Library of Congress; and the General Services Administration's Committee Management Secretariat. A copy of the renewal charter will be posted on the Commission's website at *www.cftc.gov.*

Dated: August 16, 2022.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2022–17917 Filed 8–18–22; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Amended Notice of 2022 Public Interface Control Working Group for NAVSTAR GPS Public Documents

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Amended meeting notice.

SUMMARY: On July 14, 2022, the Department of the Air Force (DAF) issued a Meeting Notice to inform the public that the Space Systems Command, Military Communications & Positioning, Navigation, Timing Directorate will host the 2022 Public Interface Control Working Group and Open Public Forum on September 28, 2022 for the following NAVSTAR GPS public documents: IS–GPS–200 (Navigation User Interfaces), IS–GPS–705 (User Segment L5 Interfaces), IS–GPS–800 (User Segment L1C Interface), and ICD–GPS–870 (Control Segment (OCX) to User Support Interface). This Amended Meeting Notice changes the date of this meeting to October 26, 2022, extending the comment submission period through September 19, 2022 and requests for attendance through September 23, 2022. Additional logistical details can be found below.

DATES: Open to the public Wednesday, October 26, 2022 from 08:30 a.m. to 4:00 p.m. (Pacific Time).

ADDRESSES: This virtual meeting can be accessed via the following dial-in numbers and links: Primary Dial In: +1 (571) 200–1700, Meeting ID: 161 996 3667, Passcode: 420440.

Primary Screen Share URL: https://saicwebconferencing.zoomgov.com/j/1619963667.

Backup Dial In: +1 (410) 874–6740, Meeting ID: 326 120 515#.

Backup Screen Share URL: https://dod.teams.microsoft.us/l/meetup-join/19%3adod%3ameeting_c4dd5c38d0ae429191db25a307db6d5e%40thread.v2/0?context=%7b%22Tid%22%3a%228331b18d-2d87-48ef-a35f-ac8818ebf9b4%22%2c%22Oid%22%3a%2239eaebff-b71b-4aad-8a01-55fa5d59953e%22%7d.

FOR FURTHER INFORMATION CONTACT: Captain Andrew Sweeten, telephone (310) 653–9603, Mr. Daniel Godwin, telephone (310) 653–3640; Los Angeles AFB, El Segundo, 90009; or Email: *SMCGPER@us.af.mil.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to update the public on proposed GPS public document changes, collect issues/comments for analysis and adjudicate subject comments for possible incorporation into future GPS public document revisions. The 2022 Public Interface Control Working Group and Open Forum are open to the general public.

Comments to the proposed changes will be collected, catalogued, and adjudicated for potential inclusion. If accepted, these changes will be processed through the government change management process for IS–GPS–200, IS–GPS–705, IS–GPS–800, and ICD–GPS–870. A notice of this meeting was published in the July 14, 2022, edition of the **Federal Register** (Vol. 87, No. 134 **Federal Register**, 42161, July 14, 2022). All comments must be submitted in a Comments Resolution Matrix. This form along with the proposed change notices, public document baseline documents and the official meeting notice are posted at: *https://www.gps.gov/technical/icwg/meetings/2022.*

Please submit comments to the Space Systems Command GPS Requirements Section (SSC/CGEPR) workflow at *SMCGPER@us.af.mil* by September 19, 2022. Special topics may also be considered for the Public Open Forum. If you wish to present a special topic, please submit your topic title, briefer name and organization by September 19, 2022. Any briefing materials will be due no later than September 23, 2022.

For those who would like to attend and participate, we request that you register no later than September 23, 2022. Please send the registration information to *SMCGPER@us.af.mil,* providing your name, organization, telephone number, email address, and country of citizenship. Meeting is being held virtually due to unpredictable restrictions associated with the ongoing COVID–19 pandemic. Backup dial-in & screen share website will only be used

in case of primary system technical difficulties.

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–17673 Filed 8–18–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Regents, Uniformed Services University of the Health Sciences (BoR USUHS) will take place.

DATES: Tuesday, August 23, 2022, open to the public from 12 p.m. to 4 p.m.

ADDRESSES: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814. The meeting will be held both in-person and virtually. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: Annette Askins-Roberts, Designated Federal Officer (DFO), at (301) 295–3066 or *annette.askins-roberts@usuhs.edu.* Mailing address is 4301 Jones Bridge Road, Bethesda, MD 20814. website: *https://www.usuhs.edu/ao/board-of-regents.*

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer, the Board of Regents, Uniformed Services University of the Health Sciences was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its August 23, 2022 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice and recommendations to the Secretary of Defense, through the USD(P&R), on academic and administrative matters critical to the full accreditation and successful operation of Uniformed Services University (USU). These actions are necessary for USU to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists, and leaders to support the Military and Public Health Systems, the National Security and National Defense Strategies of the United States, and the readiness of our Uniformed Services.

Agenda: The schedule includes opening comments from the Chair; a report by the USU President on recent actions affecting academic and operational aspects of USU; and reports from the School of Medicine, Graduate School of Nursing, Postgraduate Dental College, College of Allied Health Sciences, and the Assistant Vice President for Accreditation.

Meeting Accessibility: Pursuant to Federal statutes and regulations (5 U.S.C., Appendix, 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165), the meeting will be held in-person and virtually and is open to the public from 12 p.m. to 4 p.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting in person or virtually should contact Ms. Askins-Roberts no later than Monday, August 22, 2022 at 12 p.m. at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section.

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the BoR USUHS about its approved agenda pertaining to this meeting or at any time regarding the BoR USUHS' mission. Individuals submitting a written statement must submit their statement to Ms. Askins-Roberts at the address noted in the **FOR FURTHER INFORMATION CONTACT** section. Written statements that do not pertain to a scheduled meeting of the BoR USUHS may be submitted at any time. If individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least 4 calendar days prior to the meeting. Otherwise, the comments may not be provided to or considered by the BoR USUHS until a later date. The DFO will compile all timely submissions with the BoR USUHS' Chair and ensure such submissions are provided to BoR USUHS members before the meeting.

Dated: August 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–17893 Filed 8–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0098]

Proposed Collection; Comment Request

Correction

In notice document 2022–16970, appearing on page 48166, in the Issue of Monday, August 8, 2022, make the following correction.

■ On page 48166, in the second column, in the ''**DATES**'' section, in the second line, ''October 4, 2022'' should read ''October 7, 2022''.

[FR Doc. C1–2022–16970 Filed 8–17–22; 2:00 pm]

BILLING CODE 0099–10–D

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Virtual Public Meetings for Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and Its Associated Naval Reactor Plants Draft Environmental Impact Statement/ Overseas Environmental Impact Statement

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality implementing regulations and a Presidential Executive Order, DoN, with United States (U.S.) Department of Energy (DOE) as a cooperating agency, has prepared and filed with U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and its Associated Naval Reactor Plants. The Draft EIS/OEIS includes an analysis of the potential environmental impacts associated with alternatives for the disposal of ex-Enterprise, including its defueled reactor plants. The Proposed Action executes the statutory responsibilities of the Naval Nuclear Propulsion Program (NNPP) and Chief

of Naval Operations (CNO) policy for inactive ships stricken from the Naval Vessel Register and designated for disposal by dismantling in order to reduce DoN inactive ship inventory and eliminate costs associated with maintaining the ship in a safe stowage condition.

DATES: The 45-day public comment period begins August 19, 2022, and ends October 3, 2022. Virtual public meetings will be held on September 20 and September 22, 2022 to provide an overview of the Draft EIS/OEIS and to answer questions from the public. All public comments on the Draft EIS/OEIS are due by the end of the day on October 3, 2022.

Two virtual public meetings will be held as follows:

1. September 20, 2022, from 4 to 5 p.m. CDT;

2. September 22, 2022, from 4 to 5 p.m. CDT.

Questions concerning the Draft EIS/OEIS for discussion with DoN representatives at the virtual public meetings can be submitted between September 12 and September 21.

ADDRESSES: Email questions for the virtual public meetings to: *info@carrierdisposaleis.com* or complete the form at: *http://www.carrierdisposaleis.com.*

Comments on the Draft EIS/OEIS may be provided by mail and through the project website at: *http://www.carrierdisposaleis.com.* Mailed comments must be postmarked no later than October 3, 2022, and mailed to: Office of Congressional and Public Affairs; Attn. Ex-Enterprise CVN 65 Draft EIS/OEIS; Puget Sound Naval Shipyard & Intermediate Maintenance Facility; 1400 Farragut Ave., Stop 2072; Bremerton, WA 98314–2072 for consideration in the preparation of the Final EIS/OEIS.

DoN distributed the Draft EIS/OEIS to government agencies with which DoN is consulting and to federally recognized tribes and other stakeholders. The Draft EIS/OEIS is available for public review on the project website at *http://www.carrierdisposaleis.com* and at these public libraries:

1. Kitsap Regional Library, Downtown Bremerton Branch, 612 Fifth St., Bremerton, WA 98337.

2. Richland Public Library, 955 Northgate Dr., Richland, WA 99352.

3. Hampton Public Library, 4207 Victoria Blvd., Hampton, VA 23669.

4. Brownsville Public Library, Main Branch, 2600 Central Blvd., Brownsville, TX 78520.

5. Brownsville Public Library, Southmost Branch, 4320 Southmost Blvd., Brownsville, TX 78521.

6. Ben May Main Library, 701 Government St., Mobile, AL 36602.

Additional information on the virtual public meetings and comment submittal will be available on the project website at: *http://www.carrierdisposaleis.com/vpm.* An audio-only option will also be available.

FOR FURTHER INFORMATION CONTACT: For further information, contact Anna Taylor, Office of Congressional and Public Affairs; Attn. Ex-Enterprise CVN 65 Draft EIS/OEIS; Puget Sound Naval Shipyard & Intermediate Maintenance Facility; 1400 Farragut Ave., Stop 2072; Bremerton, WA 98314–2072, 360–476–7111, or project website: *http://www.carrierdisposaleis.com.*

SUPPLEMENTARY INFORMATION: This draft Environmental Impact Statement was prepared and filed with the EPA pursuant to the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality implementing regulations and a Presidential Executive Order 12114, DoN, with United States (U.S.) Department of Energy (DOE) as a cooperating agency.

DoN action proponent is the Director, Naval Nuclear Propulsion (CNO N00N). The purpose of the Proposed Action is to reduce DoN inactive ship inventory, eliminate costs associated with maintaining the ship in a safe stowage condition, and dispose of legacy radiological and hazardous wastes in an environmentally responsible manner, while meeting operational needs of DoN.

DoN is considering the following alternatives to satisfy the purpose of and need for the Proposed Action:

Alternative 1—Single Reactor Compartment Packages: This alternative involves the partial dismantlement and removal of non-radiological portions of ex-Enterprise at a commercial dismantlement facility. The remainder, including the defueled reactor plants, would be transported around South America by heavy-lift ship to Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF) for recycling and construction of eight single reactor compartment packages. The reactor compartment packages would be shipped by barge to the Port of Benton near the DOE Hanford Site and by high-capacity transporter to the DOE Hanford Site for disposal.

Alternative 2—Dual Reactor Compartment Packages: This alternative is the same as Alternative 1, except four dual reactor compartment packages would be constructed rather than eight single reactor compartment packages. The packages would be heavier and larger than reactor compartment packages currently transported to the DOE Hanford Site under the existing DoN program, and this alternative would require modifications to the Port of Benton barge slip and roadway to the DOE Hanford Site.

Alternative 3—Commercial Dismantlement: Under this alternative, DoN would contract with commercial industry to dismantle ex-Enterprise, including its defueled reactor plants, and dispose of the reactor plant waste at authorized facilities. DoN analyzed environmental impacts associated with three locations for commercial dismantlement: the Hampton Roads Metropolitan Area, Virginia; Brownsville, Texas; and Mobile, Alabama.

DoN also evaluated the No Action Alternative, which includes waterborne storage of ex-Enterprise and periodic maintenance to ensure storage continues in a safe and environmentally responsible manner.

DoN evaluated the potential impacts on environmental resources resulting from activities included in the three action alternatives and the No Action Alternative in accordance with 40 Code of Federal Regulations § 1502.16. Direct, indirect, and cumulative impacts were analyzed. DoN does not anticipate significant environmental impacts resulting from the proposed alternatives with the implementation of best management practices and mitigation measures.

DoN identified Alternative 3—Commercial Dismantlement as its preferred alternative because it would keep the specially qualified and trained PSNS & IMF workforce focused on high-priority fleet maintenance work and the submarine inactivation and reactor compartment package work that are already part of the PSNS & IMF workload, would provide cost benefits to the U.S. taxpayer, would be completed in the shortest duration, and would not result in significant environmental impacts. The preferred alternative does not result in any decrease in workforce at PSNS & IMF.

DoN will hold virtual public meetings to discuss the Proposed Action, alternatives, and the draft environmental impact analysis, and to answer questions from the public. DoN has assessed that virtual public meetings are the best format to meet statutory requirements under NEPA while mitigating COVID–19 risks.

The public involvement process is helpful in identifying public concerns and local issues to be considered during the development of the EIS/OEIS and assessing the accuracy and adequacy of the environmental impact analysis.

Federal, state, and local agencies; federally recognized tribes and tribal groups; nongovernmental organizations; and interested persons are encouraged to provide comments to DoN that are substantive to the analysis of potential impacts on environmental resources. All comments provided electronically via the project website or mailed to the address provided in the **ADDRESSES** section will be taken into consideration during the development of the Final EIS/OEIS.

Dated: August 10, 2022.

J. M. Pike,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2022–17502 Filed 8–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Applications for New Awards; Lead of a Career and Technical Education (CTE) Network: Research Networks Focused on Critical Problems of Education Policy and Practice Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for the Lead of a Career and Technical Education (CTE) Network under the fiscal year (FY) 2023 Research Networks Focused on Critical Problems of Education Policy and Practice Grant Program, Assistance Listing Number (ALN) 84.305N. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES:

Applications Available: October 20, 2022.

Deadline for Transmittal of Applications: February 23, 2023.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979*. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf*.

FOR FURTHER INFORMATION CONTACT: Dr. Corinne Alfeld, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Washington, DC 20202. Email: *Corinne.Alfeld@ed.gov*. Telephone: (202) 245–8203.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Through the National Center for Education Research (NCER), the Institute of Education Sciences (IES) provides support for programs of research in areas of demonstrated national need. The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners.

Through the Research Networks Focused on Critical Problems of Education Policy and Practice grant program, NCER focuses resources and attention on specific education problems or issues that are a high priority for the Nation. NCER also establishes both a structure and process for researchers who are working on these issues to share ideas, build new knowledge, and strengthen their research and dissemination capacity.

Under this notice, NCER is inviting only applications that address the following topic:

- Career and Technical Education Research Network, Network Lead role only. The CTE Network will conduct research on CTE through projects funded by other IES grant competitions.

This notice provides information about the Career and Technical Education Research Network. Requirements for applications for the Digital Learning Platforms Network are in the notice inviting applications for new awards under the Research Networks Focused on Critical Problems of Education Policy and Practice and Special Education Research and Development Center programs, published elsewhere in this issue of the **Federal Register**.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, *20 U.S.C. 9581,* IES is not subject to section 437(d) of the General Education Provisions Act, *20 U.S.C. 1232(d),* and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

Program Authority: 20 U.S.C. 2324(c)(1); 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, 75.250(a), and 75.708. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this competition.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2023, IES is inviting applications for this competition now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action.

Estimated Range of Awards: $500,000 to $750,000. The size of the award will depend on the scope of the project proposed and the amount of available funds.

Estimated Number of Awards: IES intends to fund one Network Lead.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education, public and or private non-profit organizations and or

agencies, and consortia of such institutions, organizations, or agencies that have the ability and capacity to conduct scientifically valid research.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html*.

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary to conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under the NCER Research Networks competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf*.

2. *Other Information:* Information regarding program and application requirements for the competition will be contained in the NCER RFA, which will be available on the IES website at: *https://ies.ed.gov/funding/* on or before October 20, 2022. The application package for this competition will also be available on or before October 20, 2022. Application submission information is available in the IES Application Submission Guide at: *https://ies.ed.gov/funding/pdf/FY2023_submission_guide.pdf*.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Date:* The deadline date for transmittal of applications is February 23, 2023.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp*.

For the 84.305N competition, CTE Research Network Lead topic, peer reviewers will be asked to evaluate the quality of the overall network administration and coordination plan, the quality of the research plan, the quality of the training plan, the quality of the leadership and dissemination plans, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria will be described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:*

Consistent with 2 CFR 200.206, before awarding grants under this competition, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications

for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and, if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

[FR Doc. 2022–17847 Filed 8–18–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Project Prevent Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for the Project Prevent grant program, Assistance Listing Number 84.184M. This notice relates to the approved information collection under OMB control number 1810–0766.

DATES: *Applications available:* August 19, 2022.

Deadline for transmittal of applications: October 3, 2022.

Deadline for intergovernmental review: December 2, 2022.

Pre-application webinar information: The Department will hold a pre-application workshop via webinar for prospective applicants. The date and

time of the workshop will be announced on the Department's website at *https://oese.ed.gov/offices/office-of-formula-grants/safe-supportive-schools/project-prevent-grant-program/.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264), and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Nicole White. Telephone: (202) 453–6732. Email: *ProjectPrevent@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Project Prevent Grant Program is to provide grants to local educational agencies (LEAs) impacted by community violence and to expand the capacity of LEAs to implement community- and school-based strategies to help prevent community violence and mitigate the impacts of exposure to community violence.

Background: Children and youth's exposure to community violence, whether as victims or witnesses, is often associated with long-term physical, psychological, and emotional harms. Research has demonstrated that community violence is a risk factor for experiencing an adverse childhood experience (ACE), such as abuse, neglect, witnessing violence, or having a family member who is incarcerated, and has an impact on future violence and victimization in a community.[1] ACEs can lead children and youth to experience depression, anxiety, and post-traumatic disorders; have difficulty in, or disconnect from, school and the workforce; and engage in delinquency or violent acts, potentially perpetuating the conditions that contribute to a cycle of community violence.[2]

Community violence, which is defined in this document, is a significant public health, public safety, and community infrastructure concern nationwide and is a leading cause of death, injury, and intergenerational trauma for people in the United States.[3] Community violence imposes enormous human, social, and economic costs, including disruption to employment and hindering a community's social and economic development.[4] While the majority of young people resiliently persevere, those who have been victims of violence are at substantially higher risk of being violently re-attacked or killed.[5] Additionally, both direct and indirect violence exposure have been associated with poor health outcomes, including chronic illness, anxiety, depression, and substance misuse and with poor economic outcomes.[6]

Programs facilitated in schools by counselors, mental health services providers, school support personnel, and community leaders for students who have been exposed to or are at high risk of involvement in community violence have been shown to help students develop the social and emotional resiliency skills needed to navigate difficult circumstances outside of the classroom and to turn away from violence and reengage in school.[7] When properly implemented and consistently funded, we believe that coordinated, community-based strategies that utilize trauma-responsive care and interrupt cycles of community violence may produce lifesaving and cost-saving results in a short period of time. These strategies should identify those at the highest risk, coordinate individualized wraparound resources, provide pathways to healing and stability, and monitor and support long-term success.

The Biden-Harris Administration is taking a number of steps to prioritize investment in community violence interventions that are proven strategies for reducing gun violence in urban communities through approaches other than incarceration.[8] Congress also introduced a bill in 2021 focusing on effective community-based violence reduction initiatives to reduce crime and build safer, thriving communities.[9]

Priorities: This competition includes one absolute priority and two competitive preference priorities. We are establishing the one absolute priority and two competitive preference priorities for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority and the competitive preference priorities are from the Department's Notice of Final Priorities, Requirements and Definition for the Project Prevent grant program (Project Prevent NFP), published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2022, and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority.

This priority is:

Absolute Priority—Addressing the Impacts of Community Violence.

Projects that implement community- and school-based strategies to help prevent community violence and mitigate the impacts of children and youth's exposure to community violence in collaboration with local community-based organizations (*e.g.,* local civic or community service organizations, local faith-based organizations, or local foundations or nonprofit organizations) and include

[1] Centers for Disease Control and Prevention. *Adverse Childhood Experiences (ACEs), Risk and Protective Factors. www.cdc.gov/violenceprevention/aces/riskprotectivefactors.html.*

[2] See id.; Healthy People 2030—Crime and Violence. *www.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/crime-and-violence.*

[3] Centers for Disease Control and Prevention. *Adverse Childhood Experiences (ACEs), Risk and Protective Factors. www.cdc.gov/violenceprevention/aces/riskprotectivefactors.html.*

[4] Break the Cycle of Violence Act, S. 2275, 117th Cong., sec. 2 (2021). *https://www.govinfo.gov/content/pkg/BILLS-117s2275is/html/BILLS-117s2275is.htm.* See generally U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. *Healthy People 2030—Crime and Violence. https://health.gov/healthypeople/objectives-and-data/social-determinants-health/literature-summaries/crime-and-violence.*

[5] See Break the Cycle of Violence Act, S. 2275, 117th Cong., sec. 2 (2021). *https://www.govinfo.gov/content/pkg/BILLS-117s2275is/html/BILLS-117s2275is.htm.*

U.S. Department of Justice. Violent Victimization as a Risk Factor for Violent Offending Among Juveniles *(Dec. 2002). https://www.ojp.gov/pdffiles1/ojjdp/195737.pdf.*

[6] See Break the Cycle of Violence Act, S. 2275, 117th Cong., sec. 2 (2021). *https://www.govinfo.gov/content/pkg/BILLS-117s2275is/html/BILLS-117s2275is.htm.*

[7] See, *e.g.,* Chicago Lab Crime Report. *https://www.youth-guidance.org/bam/.*

[8] The White House. *FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic (April 7, 2021). www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/.*

[9] Break the Cycle of Violence Act, S. 2275, 117th Cong., sec. 2 (2021). *https://www.govinfo.gov/content/pkg/BILLS-117s2275is/html/BILLS-117s2275is.htm.*

community and family engagement in the implementation of the strategies.

Competitive Preference Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are the competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we may award up to an additional 5 points for these two competitive preference priorities depending on how well the application addresses them. An applicant must clearly indicate in the abstract section of its application which competitive preference priorities they are addressing.

The priorities are:

Competitive Preference Priority 1—Established Partnership with a Local Community-Based Organization (up to 2 points).

An application that includes at least one memorandum of agreement (MOA) or memorandum of understanding (MOU) signed by the authorized representative of a local community-based organization that agrees to partner with the applicant on the proposed project and provide resources or administer services that are likely to substantially contribute to positive outcomes for the proposed project. The MOA or MOU must clearly delineate the roles and responsibilities of each entity.

Competitive Preference Priority 2—Supporting Children and Youth from Low-Income Backgrounds (up to 3 points).

In its application, an applicant must demonstrate, based on Small Area Income and Poverty Estimates (SAIPE) data from the U.S. Census Bureau or, for an LEA for which SAIPE data are not available, the same State-derived equivalent of SAIPE data that the State uses to make allocations under part A of title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), one of the following:

(a) At least 20 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line. (1 point)

(b) At least 25 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line. (2 points)

(c) At least 30 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line. (3 points)

Requirements: We are establishing these program requirements and application requirements for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition. These requirements are from the Project Prevent NFP.

Application Requirements:

(a) *Severity and magnitude of the problem; identification of schools to be served by the proposed project.* Applicants must—

(1) Identify the schools proposed to be served by project activities;

(2) Collaborate and coordinate with community-based organizations to describe the community violence that affects students in those schools utilizing data such as incidents of community violence, gun crime and other violent crime, rates of child abuse and neglect, and other school and community crime and safety data, including on a per capita basis (such as homicides per 100,000 persons); prevalence of risk factors associated with violence-related injuries and deaths; findings from student mental health screenings or assessments, school climate surveys, and student engagement surveys; demographic data provided by U.S. Census surveys; and other relevant data and information; and

(3) Provide a comparison of the school and community data cited to similar data at the State or local level, if available.

(b) *Collaboration and coordination with community-based organizations.* Applicants must—

(1) Describe how they intend to work collaboratively with community-based organizations to achieve project goals and objectives;

(2) Provide evidence of collaboration and coordination through letters of support, memoranda of agreement, or memoranda of understanding from at least one community-based organization;

(3) Describe how they will use grant program funds to supplement, rather than supplant, existing or new efforts to reduce community violence and mitigate the direct and indirect effects of community violence on students; and

(4) Describe how they utilized a formal mechanism (*e.g.,* surveys of families and community members) to obtain community feedback during the process of identifying community-based organizations with which to partner or collaborate, and the formal mechanism that will be utilized throughout the duration of the project to gather feedback on the impact of project activities.

(c) *Project activities.* Applicants must propose to conduct three or more of the following:

(1) Appropriately tailored professional development opportunities for LEA and school mental health staff (*e.g.,* counselors, psychologists, and social workers), other specialized instructional support personnel, and other school staff, as appropriate, on how to screen for and respond to violence-related trauma and implement appropriate school-based interventions to help prevent community violence and mitigate the impacts of children and youth's exposure to community violence.

(2) Activities designed to improve the range, availability, and quality of culturally and linguistically competent, inclusive, and evidence-based school-based mental health services by increasing the number and diversity of staff positions (*e.g.,* school and clinical psychologists, school counselors, school social workers, or occupational therapists) or other appropriate school support personnel, and by hiring staff who are diverse and reflective of the community, with expertise or training in violence prevention, trauma-informed care, and healing-centered strategies, and who are qualified to respond to the mental and behavioral health needs of students who have experienced trauma as a result of exposure to community violence.[10]

(3) Training for school staff (*e.g.,* teachers, administrators, specialized instructional support personnel, and support staff), community partners, youth, and families on the effects of exposure to community violence, the importance of screening students, how to screen students exposed to community violence in a manner that minimizes bias and stereotypes, and how to provide interventions.

(4) Developing or improving processes to better target services to students who are exposed to community violence and to assess such students who may be experiencing mental, social, emotional, or behavioral challenges as a result of this exposure.

(5) Enhancing linkages between LEA mental health services and community mental health systems to help ensure affected students receive referrals to treatment that is culturally and linguistically competent and evidence-based, as appropriate.

(6) Undertaking activities in collaboration and coordination with law enforcement to address community violence affecting students, to support victims' rights, and to promote public safety.

[10] All strategies to increase the diversity of providers must comply with applicable Federal civil rights laws, including title VI of the Civil Rights Act of 1964.

(d) *Evidence-based, culturally and linguistically competent, and developmentally appropriate programs and practices.* Applicants must—

(1) Describe the continuum of evidence-based, culturally and linguistically competent, and developmentally appropriate (as defined in 34 CFR 77.1(c)) programs and practices that will be implemented at the school and community levels and how these programs and practices will be organized to provide differentiated support based on student need in an equitable and inclusive manner, free from bias, to help break the cycle of community violence. These programs and practices must include all of the following:

(i) Interventions and activities that are available to all students in a school, in a manner that is equitable and inclusive, with the goal of preventing negative or violent behavior (such as harassment, bullying, fighting, gang participation, sexual assault, and substance use) and enhancing student knowledge and interpersonal and emotional skills regarding positive behavior (such as communication and problem-solving, empathy, conflict management, de-escalation, and mediation).

(ii) Interventions and activities related to positive coping techniques, anger management, conflict management, de-escalation, mediation, promotion of positive behavior, and development of protective factors.

(iii) Interventions and services, such as mentorship programming, that target individual students who are at a higher risk for committing or being a victim of violence.

(2) Describe the research and evidence supporting the proposed programs and practices and the expected effects on the target population.

(e) *Framework for planning, implementation, and sustainability.* Applicants must—

(1) Describe how the proposed project is integrated and aligned with the mission and vision of the LEA, including a description of the relationship of the project to the LEA's existing school safety or related plan;

(2) Describe the anticipated challenges to success of the project and how they will be addressed, such as sustaining project implementation beyond the availability of grant funds and mitigating turnover at the LEA leadership, school leadership, and staff levels; and

(3) Include a timeline of activities for—

(i) Planning that includes conducting a needs assessment that is comprehensive and examines areas for improvement, both within the school and the community, related to learning conditions that create a safe and healthy environment for students; creating a logic model (as defined in 34 CFR 77.1); completing resource mapping; selecting evidence-based, culturally and linguistically competent, and developmentally appropriate programs; developing evaluation plans; and engaging community and school partners, families, and other stakeholders;

(ii) Implementation that includes training on and execution of evidence-based, culturally and linguistically competent, and developmentally appropriate programs; continuing engagement with stakeholders; communicating and collaborating strategically with community partners; and evaluating program implementation; and

(iii) Sustainability that includes further developing and expanding on the project's successes beyond the end of the grant, at the school and community levels, in alignment with other related efforts.

(f) *Planning period.* Projects funded under this program may use up to 12 months during the first year of the project period for program planning. Applicants that propose a planning period must provide sufficient justification for why this program planning time is necessary, provide the intended outcomes of program planning in Year 1, and include a description of the proposed strategies and activities to be supported.

Definition: The definition of ''community violence'' is from the FY 2022 Project Prevent NFP.

Community violence is intentional acts of interpersonal violence (*e.g.,* firearm injuries, assaults, and homicides) committed in public areas by individuals outside the context of a familial or romantic relationship.

Program Authority: 20 U.S.C. 7281.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Project Prevent Grant NFP.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $6,800,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 and subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $250,000 to $800,000 per year for up to 5 years.

Estimated Average Size of Awards: $600,000.

Maximum Award: We will not make an award exceeding $600,000 for a single budget period of 12 months.

Estimated Number of Awards: 10–13.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:*

Eligible applicants for this program are local educational agencies (LEAs), as defined in 20 U.S.C. 7801(30).

2. *Cost Sharing or Matching:* a. This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264), and available at *www.federalregister.gov/d/2021-27979,* which contains requirements and information on how to

submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 25 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all selection criteria is 100 points. Applications may receive up to 5 additional points under the competitive preference priorities, for a total score of up to 105 points. The points or weights assigned to each criterion are indicated in parentheses. Non-Federal peer reviewers will evaluate and score each application program narrative against the following selection criteria:

(a) *Need for Project* (15 points).

In determining the need for the proposed project, the Secretary considers the following factors:

(1) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (10 points)

(2) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

(b) *Significance* (15 points).

In determining the significance of the proposed project, the Secretary considers the extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(c) *Quality of the Project Design* (15 points).

In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

(2) The extent to which the proposed project will integrate with or build on similar or related efforts to improve relevant outcomes (as defined in 34 CFR 77.1(c)), using existing funding streams from other programs or policies supported by community, State, and Federal resources. (5 points)

(3) The extent to which the proposed project is supported by promising evidence (as defined in 34 CFR 77.1 (c)). (5 points)

(d) *Quality of the Project Services* (25 points).

In determining the quality of the project services to be provided by the proposed project, the Secretary considers the following factors:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (5 points)

(2) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice. (5 points)

(3) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (5 points)

(4) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (10 points)

(e) *Quality of the Management Plan* (15 points).

In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(f) *Quality of the Project Evaluation* (15 points).

In determining the quality of the evaluation of the proposed project, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (10 points)

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2

CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200 subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Department has established the following performance measures for the Project Prevent program for the purpose of Department reporting under 34 CFR 75.110:

(1) The percentage of grantees that report an annual measurable decrease in violent, aggressive, and disruptive behavior in schools served by the grant.

(2) The percentage of grantees that report an annual measurable increase in the number of students in schools served by the grant receiving school-based and community mental health services to address student needs resulting from exposure to community violence.

(3) The percentage of grantees that report an annual measurable increase in the school engagement of students served by the grant, as defined and measured by the grantee.

(4) The percentage of grantees that report an annual measurable increase in the quality of family engagement and grantee engagement with community-based organization(s), as defined and measured by the grantee.

(5) The percentage of grantees that report an annual measurable increase in the number of school staff or other specialized instructional support personnel trained in violence-related trauma and appropriate school-based interventions to help prevent community violence.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures. These data will be considered by the Department in making continuation awards.

Consistent with 34 CFR 75.591, grantees funded under this program

shall comply with the requirements of any evaluation of the program conducted by the Department or an evaluator selected by the Department.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

James F. Lane,

Senior Advisor, Office of the Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education.

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BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Research Networks Focused on Critical Problems of Education Policy and Practice and Special Education Research and Development Center Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2023 for the Research Networks Focused on Critical Problems of Education Policy and Practice and Special Education Research and Development (R&D) Center Grant Programs, Assistance Listing Numbers (ALNs) 84.305N and 84.324C. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES: The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the Requests for Applications (RFAs) that are posted at the following website: *https://ies.ed.gov/funding.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: The contact person associated with a particular research competition is listed in the chart at the end of this notice, as well as in the relevant RFA and application package.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Programs:

Through the National Center for Education Research (NCER), the Institute of Education Sciences (IES) provides support for programs of research in areas of demonstrated national need. The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners.

Through the Research Networks Focused on Critical Problems of Education Policy and Practice grant program, NCER focuses resources and attention on specific education problems or issues that are a high priority for the Nation. NCER also establishes both a structure and process for researchers who are working on these issues to share ideas, build new knowledge, and strengthen their research and dissemination capacity. Through this program, NCER seeks to establish a new Career and Technical Education Research Network and seeks to expand the Digital Learning Platforms Network, also known as SEERNet (*https://www.seernet.org*), which was originally established in FY 2021. Additional information about the Career and Technical Education Research Network topic is available in the notice inviting applications under the Lead of a Career and Technical Education (CTE) Network: Research Networks Focused on Critical Problems of Education Policy and Practice published elsewhere in this issue of the **Federal Register**.

Within IES, the National Center for Special Education Research (NCSER) supports research to expand knowledge and understanding of the needs of infants, toddlers, and youth with disabilities to improve the developmental, education, and transition outcomes of such individuals.

Through NCSER, IES invests in Special Education Research and Development Centers (R&D Centers) that contribute to the body of special

education knowledge in the United States by engaging in research, development, evaluation, and national leadership activities aimed at improving the education system and, ultimately, student achievement.

Through this program, NCSER seeks to establish a new R&D Center on Supporting Students with Disabilities in Postsecondary Education.

Competitions in This Notice: IES is announcing two research competitions:

NCER is announcing one competition in research networks focused on critical problems of policy and practice.

NCSER is announcing one competition in special education research and development centers.

NCER Competition

The Research Networks Focused on Critical Problems of Education Policy and Practice Competition (ALN 84.305N). Under this competition, NCER will consider only applications that address one of the following topics:

- Career and Technical Education Research Network, which includes a single Network Lead in FY23. (The CTE Network will conduct research on CTE through projects funded by other IES grant competitions). For additional information about this topic, please see the notice inviting applications for the Lead of a Career and Technical Education (CTE) Network: Research Networks Focused on Critical Problems of Education Policy and Practice published elsewhere in this issue of the **Federal Register**.
- Digital Learning Platforms Network, which includes:
  - Research Teams.

NCSER Competition

The Special Education Research and Development Center Competition (ALN 84.324C). Under this competition, NCSER will consider only applications that address the following topic:

- Research Center on Supporting Students with Disabilities in Postsecondary Education.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on priorities, selection criteria, definitions, and requirements.

Program Authority: 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, 75.250(a), and 75.708. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2023, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action.

Estimated Range of Awards: See chart at the end of this notice. The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition, the availability of funds, and the following limits on awards for the Research Networks Focused on Critical Problems of Education Policy and Practice competition and the Special Education Research and Development Center competition.

IES may waive any of the following limits on awards for the Digital Learning Network Research Teams topic within the Research Networks Focused on Critical Problems of Education Policy and Practice and the Special Education Research and Development Center competitions in the special case that the peer review process results in a tie between two or more grant applications, making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, IES may make a larger number of awards to include all applications of the same rank.

For the Digital Learning Platforms Network, we intend to fund up to 10 grants for Research Teams.

For the Special Education Research and Development Center competition, we intend to fund up to one grant for the Postsecondary Center.

Should funding be available, we may consider making additional awards to high-quality applications that remain unfunded after these maximum limits are met. Contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2024 from the list of highly rated unfunded applications submitted in response to the FY 2023 competition announcement.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart at the end of this notice.

III. Eligibility Information

1. *Eligible Applicants:* Applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

2. a. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary to conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under the NCER Research Networks and NCSER R&D Center competitions may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the NCER and NCSER RFAs, which will be available on the IES website at: *https://ies.ed.gov/funding/.* The Special Education Research and Development Center Competition (ALN 84.324C) will be posted on or before September 30, 2022. The Research Networks Focused on Critical Problems of Education Policy and Practice Competition (ALN 84.305N) will be posted on or before October 20, 2022. The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice. Application submission information is available in the IES Application Submission Guide at: *https://ies.ed.gov/funding/pdf/FY2023_submission_guide.pdf.*

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305N competition, peer reviewers of the Research Teams applications to the Digital Learning Platforms Network will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination history and dissemination plan. These criteria will be described in greater detail in the RFA.

For the 84.324C competition, peer reviewers for the special education research and development centers program will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the national leadership plan, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. These criteria are described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under these competitions to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. In addition, NCSER annually assesses the number of newly developed or modified interventions with evidence of promise for improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes. Additional education outcomes for students with or at risk of a disability (as defined in the relevant RFA) include developmental outcomes for infants and toddlers (birth to age three) pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education; and employment and earning outcomes for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the relevant program contact person listed in the chart at the end of this notice, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

ALN and name	Application package available	Deadline for transmittal of applications	Estimated range of awards *	Project period	For further information contact
National Center for Education Research (NCER)					
84.305N Research Networks Focused on Critical Problems of Education Policy and Practice: ▪ Digital Learning Platform Network Research Teams.	October 20, 2022 ...	February 23, 2023	$80,000 to $200,000	Up to 2 years	Erin Higgins, *Erin.Higgins@ed.gov*, (202) 987–1531.
National Center for Special Education Research (NCSER)					
84.324C Special Education Research and Development Center: ▪ Supporting Students with Disabilities in Postsecondary Education (Postsecondary Center).	September 30, 2022.	January 12, 2023 ...	$500,000 to $1,000,000.	Up to 5 years	Akilah Nelson, *Akilah.Nelson@ed.gov*, (202) 245–7352.

* These estimates are annual amounts.
Note: The Department is not bound by any estimates in this notice.
Note: If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

[FR Doc. 2022–17850 Filed 8–18–22; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0106]

Agency Information Collection Activities; Comment Request; National Student Loan Data System (NSLDS)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 18, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0106. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Student Loan Data System (NSLDS).

OMB Control Number: 1845–0035.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 16,212.

Total Estimated Number of Annual Burden Hours: 33,624.

Abstract: The United States Department of Education will collect data through the National Student Loan Data System (NSLDS) from Federal Perkins Loan holders (institutions or their servicers) and Guaranty Agencies (GA) about Federal Perkins, Federal Family Education, and William D. Ford Direct Student Loans to be used to manage the federal student loan programs, develop policy, and determine eligibility for programs under title IV of the Higher Education Act of 1965, as amended (HEA). NSLDS also holds data about Federal Grants, including Pell Grants, Academic Competitiveness Grants (ACG), National Science and Mathematics Access to Retain Talent (SMART) and Teacher Education Assistance for College and Higher Education (TEACH) Grants. NSLDS is used for research, policy

analysis, monitoring student enrollment, calculating default rates, monitoring program participants and verifying student aid eligibility. This is a request for an extension to the current information collection 1845–0035 based on a decrease in the number of participants providing information to the system.

Dated: August 15, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–17845 Filed 8–18–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Notice of Intent To Prepare a Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice of intent.

SUMMARY: The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy (DOE), announces its intent to prepare a new Site-Wide Environmental Impact Statement (SWEIS) for the Los Alamos National Laboratory (LANL or Laboratory) in Los Alamos, New Mexico (DOE/EIS–0552) in compliance with the National Environmental Policy Act of 1969 (NEPA). The SWEIS will analyze the potential environmental impacts of the reasonable alternatives for continuing operations of the Laboratory for approximately the next 15 years. The continued operation of the Laboratory is critical to NNSA's Stockpile Stewardship Program to prevent the spread and use of nuclear weapons worldwide and to many other areas impacting national security and global stability. The SWEIS will also analyze environmental impacts of legacy waste remediation conducted by DOE's Office of Environmental Management (DOE–EM). The purpose of this Notice is to invite public participation in the process and to encourage public involvement on the scope of analysis (*e.g.,* range of alternatives, impacts, and actions) and alternatives that should be considered in the SWEIS. Following completion of the SWEIS, NNSA will decide which reasonable alternatives to implement and will announce its decisions through a Record of Decision (ROD). Absent any *new* decisions associated with this SWEIS process, NNSA would continue to implement decisions announced in previous RODs.

DATES: NNSA invites other federal agencies, state and local governments, federally recognized Indian tribes and the public to comment on the scope of the LANL SWEIS. The public scoping period begins with the publication of this Notice in the **Federal Register** and continues until October 3, 2022 (the Comment Period). NNSA will accept public participation in written and oral form, and comments concerning the scope of the SWEIS will be given equal weight regardless of method of delivery. For receiving oral comments, NNSA will host two virtual public scoping meetings. The decision to hold only virtual meetings is based on the continuing high level of community spread of COVID–19 in the areas where in-person meetings would be held, as measured and reported by the U.S. Centers for Disease Control and Prevention. Meeting details will be provided in a future notice posted on the following website: *www.energy.gov/nnsa/nnsa-nepa-reading-room.* NNSA will hold the scoping meetings no earlier than 15 days from the posting of the notice. Details of the public meetings will also be announced in local media outlets.

ADDRESSES: Written comments will be considered if received or postmarked by the end of the Comment Period. Comments received or postmarked after the Comment Period will be considered to the extent practicable. Written comments on the scope of the SWEIS or requests for information related to the SWEIS should be sent via postal mail to LANL SWEIS Comments, 3747 W Jemez Road, Los Alamos, New Mexico 87544 or by email to: *LANLSWEIS@nnsa.doe.gov.* Before including your address, phone number, email address, or other personally identifiable information in your comment, please be advised that your entire comment—including your personally identifiable information—might be made publicly available. If you wish for NNSA to withhold your name and/or other personally identifiable information, please state this prominently at the beginning of your comment. You may submit comments anonymously.

FOR FURTHER INFORMATION CONTACT: For further information about this Notice, please contact Kristen Dors, NEPA Compliance Officer, U.S. Department of Energy, National Nuclear Security Administration, Los Alamos Field Office, 3747 W Jemez Road, Los Alamos, New Mexico 87544; phone: (505) 667–5491; or via email at *LANLSWEIS@nnsa.doe.gov.* This Notice and related NEPA documents are available at: *www.energy.gov/nnsa/nnsa-nepa-reading-room.*

SUPPLEMENTARY INFORMATION:

Background

The Laboratory has been operating for nearly 80 years in Northern New Mexico. Today, the Laboratory is a national security laboratory, as defined by 50 *United States Code* (U.S.C.) 2471, and operated as an NNSA facility by a Management and Operating (M&O) contractor with an annual budget of approximately $4.6 billion and a workforce of approximately 14,000 people. The Laboratory exists to support NNSA missions, which are established by law, including: (1) to enhance U.S. national security through the military application of nuclear energy; (2) to maintain and enhance the safety, reliability, and performance of the U.S. nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements; (3) to promote international nuclear safety and nonproliferation; (4) to reduce global danger from weapons of mass destruction; (5) to support U.S. leadership in science and technology. NNSA missions are carried out in a manner that is consistent with the principles of: (1) Protecting the environment; (2) Safeguarding the safety and health of the public and of the workforce; (3) Ensuring the Security of the nuclear weapons, nuclear material, and classified information. As a Federally Funded Research and Development Center, the Laboratory is primarily sponsored by NNSA but does work for other federal agencies and partners with a wide variety of entities. LANL also has an important legacy waste remediation mission, which is overseen by DOE–EM. The potential impacts of these ongoing DOE–EM remediation activities will be included in the LANL SWEIS. This Notice signifies the fourth site-wide EIS undertaken for the Laboratory since 1976.

Purpose and Need for Agency Action

The purpose of the continued operation of the Laboratory has not changed and continues to be to provide support for NNSA's core missions as directed by the Congress and the President. NNSA's need to continue operating the Laboratory is focused on its obligation to ensure a safe and reliable nuclear stockpile. For the

foreseeable future, NNSA, on behalf of the U.S. Government, will need to continue its nuclear weapons research and development, surveillance, computational analysis, components manufacturing, and nonnuclear aboveground experimentation. Currently, many of these activities are conducted solely at the Laboratory. A curtailment or cessation of these activities would run counter to national security policy as established by the Congress and the President. The Laboratory plays vital roles in NNSA missions including: enhancing U.S. national security through the military application of nuclear energy; maintaining and enhancing the safety, reliability, and effectiveness of the U.S. nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements; promoting international nuclear safety and nonproliferation; reducing global danger from weapons of mass destruction; supporting U.S. leadership in science and technology.

The 2016 Compliance Order on Consent between the State of New Mexico Environmental Department and the Department of Energy (the Consent Order) is the principal regulatory driver for legacy waste cleanup at LANL. The Consent Order contains requirements for investigation and cleanup as well as enforceable deadlines for achieving desired remediation milestones, which may include the submission of documents such as investigation work plans, investigation reports, periodic monitoring reports, and corrective measures evaluation reports.

Requirements To Fulfill DOE NEPA Compliance

The SWEIS will be prepared pursuant to NEPA (Title 42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's NEPA regulations (40 CFR parts 1500–1508) and the DOE NEPA implementing procedures (10 CFR part 1021). The DOE regulations (10 CFR 1021.330) require preparation of site-wide documents for certain large, multiple-facility sites, such as the Laboratory. The purpose of a SWEIS is to provide the public with an analysis of the potential environmental impacts from ongoing and reasonably foreseeable new and modified operations and facilities, and reasonable alternatives, to provide a basis for site-wide decisionmaking and to improve and coordinate agency plans, functions, programs, and resource utilization. The SWEIS provides an overall NEPA baseline, so that the environmental effects of proposed future changes in programs and activities can be compared to the baseline. A SWEIS allows NNSA to ''tier'' its later project-specific NEPA analyses at the same site. Tiering is a method used in NEPA analysis that allows agencies to eliminate repetitive discussion of the same issues and to focus on the specific issues in future proposed actions.

The NEPA process enables federal, state and local governments, federally recognized Indian tribes, and public participation in the environmental review process.

Preliminary Alternatives

The scoping process is an opportunity for the public to assist NNSA in determining the alternatives, issues, or analyses that should be included in the SWEIS. NNSA welcomes specific comments or suggestions on the content of these alternatives or on other alternatives that could be considered. A preliminary set of alternatives and issues for evaluation in the SWEIS is identified below; during the development of the SWEIS, NNSA could include other reasonable alternatives.

No-Action Alternative: Continue Current Operations

The No-Action Alternative would continue current operations throughout the Laboratory that support currently assigned missions. NEPA regulations require analysis of the No-Action Alternative to provide a benchmark for comparison with environmental effects of action alternatives. This alternative includes the programs and activities for which NEPA reviews and decisions have been made, such as DOE–EM legacy waste cleanup activities pursuant to the 2016 Consent Order. The No-Action Alternative includes, for currently assigned mission scope: (1) construction of minor replacement facilities; (2) upgrades to existing facilities and infrastructure; (3) decontamination, decommissioning, and demolition (DD&D) projects.

Modernizing Current Operations Alternative

The programmatic context for the Modernizing Current Operations Alternative is the continued support of existing programs and activities by modernizing facilities as necessary. This alternative includes the scope of the No-Action Alternative, as described above, plus additional modernization activities. This alternative includes: (1) construction of replacement facilities; (2) more significant upgrades to existing facilities and infrastructure; (3) more significant DD&D projects. Under this alternative, NNSA would replace facilities that are approaching their end of life, upgrade facilities to extend their lifetimes, and improve work environments to enable NNSA to meet operational requirements. The proposed DD&D of older facilities would eliminate excess facilities and reduce costs and risk. This alternative would not expand capabilities and operations at LANL beyond those that currently exist.

Expanded Operations Alternative

The Expanded Operations Alternative includes the modernization actions included in the Modernizing Current Operations Alternative, as described above, plus actions that would expand operations and missions to respond to future national security challenges and meet increasing requirements. This alternative includes: (1) construction and operation of new facilities, and (2) significant upgrades to existing facilities that result in changing the nature and capabilities of these facilities. This alternative would expand capabilities at LANL beyond those that currently exist. For example, under an Expanded Operations Alternative NNSA may consider the construction and operation of an additional supercomputing complex that would enable NNSA to expand the capabilities of that program. In the Draft SWEIS, NNSA will identify and analyze other actions that could expand the capabilities at LANL.

The Draft SWEIS will identify the specific actions associated with the alternatives and will assess the potential impacts of implementing the alternatives. The Draft SWEIS will also identify and evaluate any actions related to environmental management and land transfer that are reasonable for each of the alternatives.

Other Potential Reasonable Alternatives

The 1999 and 2008 LANL SWEISs included a Reduced Operations Alternative. Those SWEISs were prepared at times when DOE/NNSA deemed a reduction in Laboratory operations to be a reasonable alternative. For the foreseeable future, NNSA does not consider reducing operational or environmental remediation missions at LANL as reasonable. However, the timeframe for the SWEIS analysis is approximately 15 years into the future, and NNSA recognizes that requirements, needs, opportunities, and vision may change over such a long planning horizon. Consequently, NNSA has not made a final decision on whether to include a Reduced Operations Alternative in this SWEIS. NNSA welcomes input on this and any other alternative the public

thinks are reasonable and should be analyzed in the SWEIS.

Alternatives that NNSA will not consider reasonable are (1) the complete closure and DD&D of the Laboratory and (2) transfer of current missions/operations from the Laboratory to other sites, as those actions would be inconsistent with the LANL mission defined by NNSA. Such possibilities were considered as recently as 2008 when NNSA prepared the Complex Transformation Supplemental Programmatic EIS (CT SPEIS). In that document, NNSA concluded that ''as a result of the continuing challenges of certification [of nuclear weapons] without underground nuclear testing, the need for robust peer review, benefits of intellectual diversity from competing physics design laboratories, and uncertainty over the details [of] future stockpiles, NNSA does not consider it reasonable to evaluate laboratory consolidation [or elimination] at this time.'' That conclusion has not changed today. In addition, as one of only three NNSA national security laboratories, LANL contributes significantly to the core intellectual and technical competencies of the U.S. related to nuclear weapons. These competencies embody more than 75 years of weapons knowledge and experience. The Laboratory performs the basic research, design, system engineering, development testing, reliability and assessment, surveillance, and certification of nuclear weapons safety, reliability, and performance. From a broader national security perspective, the core intellectual and technical competencies of the Laboratory help provide the technical basis for the pursuit of U.S. arms control and nuclear nonproliferation objectives.

The CT SPEIS also considered and evaluated the transfer of missions and operations to and from the Laboratory, and NNSA has implemented, as appropriate, decisions that followed preparation of that document. NNSA has not identified any new proposals for current missions/operations that are reasonable for transfer to/from the Laboratory.

Preliminary Environmental Analysis

The following issues have been identified for analysis in the SWEIS. The list is tentative and intended to facilitate public comment on the scope of the SWEIS. It is not intended to be all inclusive, nor does it imply any predetermination of potential impacts. The NNSA specifically invites suggestions for the addition or deletion of items on this list.

- Potential effects on the public and workers from exposures to radiological and hazardous materials during normal operations, construction, reasonably foreseeable accidents (including from natural phenomena hazards), and intentional destructive acts
- Impacts on surface and groundwater, floodplains and wetlands, and on water use and quality
- Impacts on air quality from potential releases of radiological and nonradiological pollutants and greenhouse gases
- Impacts to plants and animals and their habitats, including species that are federally or state-listed as threatened or endangered, or of special concern
- Impacts on physiography, topography, geology, and soil characteristics
- Impacts to cultural resources, such as those that are historic, prehistoric, archaeological, scientific, or paleontological
- Socioeconomic impacts to affected communities
- Environmental justice impacts, particularly whether or not activities at the Laboratory have a disproportionately high and adverse effect on minority and/or low-income populations
- Potential impacts on land use and applicable plans and policies
- Impacts from traffic and transportation of radiological and hazardous materials and waste on and off the Laboratory campus
- Pollution prevention and materials, and waste management practices and activities
- Impacts on visual aesthetics and noise levels of Laboratory facilities on the surrounding communities and ambient environment
- Impacts to community services, including fire protection, police protection, schools, and solid waste disposal to landfills
- Impacts from the use of utilities, including water and electricity consumption, fuel use, sewer discharges, and resource conservation
- Impacts from site contamination and remediation
- Unavoidable adverse impacts
- Environmental compliance and inadvertent releases
- Short-term uses and long-term productivity
- Irreversible and irretrievable commitment of resources
- Cumulative effects of past, present, and reasonably foreseeable future actions
- Mitigation commitments

LANL SWEIS Process and Schedule

Fourteen years have passed since the publication of the 2008 LANL SWEIS. Because of comprehensive site planning activities that are under consideration, as well as other reasons, NNSA determined that it was appropriate to revisit the 2008 SWEIS analysis. The scoping process is intended to involve all interested agencies (federal, state, and local), public interest groups, federally recognized Indian tribes, local businesses, and members of the general public. Interested parties are invited to participate in the SWEIS process to refine the preliminary alternatives and identify environmental issues that are reasonable or pertinent for analysis. Input from the scoping process will assist NNSA in formulating the alternatives and defining the scope of the SWEIS analysis.

Following the scoping process announced in this Notice, and after consideration of comments received during scoping, NNSA will prepare a Draft SWEIS for the continued operation of the Laboratory. NNSA expects to issue the Draft SWEIS in 2023. NNSA will announce the availability of the Draft SWEIS in the **Federal Register** and local media outlets. NNSA will hold one or more public hearings for the Draft SWEIS. Any comments received on the Draft SWEIS will be considered and addressed in the Final SWEIS. NNSA could then issue a Record of Decision no sooner than 30 days after publication by the Environmental Protection Agency of a Notice of Availability of the Final SWEIS.

Signing Authority

This document of the Department of Energy was signed on August 15, 2022 by Jill Hruby, Under Secretary for Nuclear Security and Administrator, National Nuclear Security Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 16, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–17901 Filed 8–18–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–103–000.
Applicants: Sonny Solar, LLC, PGR 2021 Lessee 13, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Sonny Solar, LLC, et al.
Filed Date: 8/12/22.
Accession Number: 20220812–5217.
Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: EC22–104–000.
Applicants: Allora Solar, LLC, PGR 2021 Lessee 19, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Allora Solar, LLC, LLC, et al.
Filed Date: 8/12/22.
Accession Number: 20220812–5219.
Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: EC22–105–000.
Applicants: Gunsight Solar, LLC, PGR 2021 Lessee 15, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Gunsight Solar, LLC, et al.
Filed Date: 8/12/22.
Accession Number: 20220812–5222.
Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: EC22–106–000.
Applicants: Cabin Creek Solar, LLC, PGR 2021 Lessee 12, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Cabin Creek Solar, LLC, et al.
Filed Date: 8/12/22.
Accession Number: 20220812–5224.
Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: EC22–107–000.
Applicants: Bulldog Solar, LLC, PGR 2021 Lessee 9, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Bulldog Solar, LLC, et al.
Filed Date: 8/12/22.
Accession Number: 20220812–5227.
Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: EC22–108–000.
Applicants: Northern States Power Company, a Minnesota Corporation, Northern Wind Energy Redevelopment, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Northern States Power Company, et al.
Filed Date: 8/15/22.
Accession Number: 20220815–5113.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: EC22–109–000.
Applicants: Northern States Power Company, a Minnesota Corporation, Rock Aetna Power Partners, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Northern States Power Company, a Minnesota Corporation, et al.
Filed Date: 8/15/22.
Accession Number: 20220815–5124.
Comment Date: 5 p.m. ET 9/6/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–2455–003.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2022–08–15 Compliance Filing—FERC Order No. 2222 to be effective 6/16/2022.
Filed Date: 8/15/22.
Accession Number: 20220815–5078.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2494–000.
Applicants: FirstEnergy Service Company.
Description: FirstEnergy Service Company Submits Request for Limited Waiver of Affiliate Rules.
Filed Date: 7/25/22.
Accession Number: 20220725–5180.
Comment Date: 5 p.m. ET 8/19/22.

Docket Numbers: ER22–2656–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA/ICSA Nos. 6555 and 6556; Queue No. AC1–086 to be effective 7/14/2022.
Filed Date: 8/15/22.
Accession Number: 20220815–5036.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2657–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Cost Responsibility Agreement, SA No. 6557; Non-Queue No. NQ–173 to be effective 7/19/2022.
Filed Date: 8/15/22.
Accession Number: 20220815–5080.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2659–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–08–15_SA 2927 Duke Energy-Duke Energy 2nd Rev GIA (J453 J1189) to be effective 8/5/2022.
Filed Date: 8/15/22.
Accession Number: 20220815–5131.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2660–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: SPS Formula Rate Revisions to Incorporate Changes Accepted in ER22–201 to be effective 5/19/2021.
Filed Date: 8/15/22.
Accession Number: 20220815–5151.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2661–000.
Applicants: California Independent System Operator Corporation
Description: § 205(d) Rate Filing: 2022–08–15 Flexible Ramping Product Enhancements to be effective 12/31/9998.
Filed Date: 8/15/22.
Accession Number: 20220815–5159.
Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: ER22–2662–000.
Applicants: Aron Energy Prepay 14 LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 10/15/2022.
Filed Date: 8/15/22.
Accession Number: 20220815–5167.
Comment Date: 5 p.m. ET 9/6/22.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF22–854–000.
Applicants: Radford University.
Description: Form 556 of Radford University.
Filed Date: 8/15/22.
Accession Number: 20220815–5033.
Comment Date: 5 p.m. ET 9/6/22.

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 15, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17905 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2634–000]

Buffalo Ridge Wind, 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 Buffalo Ridge Wind, 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 September 6, 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.

Dated: August 15, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17912 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: PR22–37–001.

Applicants: Duke Energy Kentucky, Inc.

Description: § 284.123(g) Rate Filing: Amendment to Operating Statement in Petition for Rate Approval Filing to be effective 5/2/2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5108.

Comments/Protests Due: 5 p.m. ET 8/25/22.

Docket Numbers: PR22–51–001.

Applicants: Waha Gas Storage LLC.

Description: § 284.123 Rate Filing: Waha Gas Storage Amended SOC Filing to be effective 5/1/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5014.

Comments/Protests Due: 5 p.m. ET 8/26/22.

Docket Numbers: PR22–54–001.

Applicants: Duke Energy Ohio, Inc.

Description: Amendment Filing: Amendment to Revised Operating Statement to be effective 6/1/2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5113.

Comment Date: 5 p.m. ET 8/25/22.

284.123(g) Protests Due: 5 p.m. ET 8/25/22.

Docket Numbers: CP22–496–000.

Applicants: Questar Gas Company.

Description: Abbreviated Application of Questar Gas Company d/b/a Dominion Energy Utah for Limited Jurisdiction Blanket Certificate of Public Convenience and Necessity under CP22–496.

Filed Date: 08/09/2022.

Accession Number: 20220809–5117.

Comment Date: 5 p.m. ET 8/30/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

Filings Instituting Proceedings

Docket Numbers: RP22–1119–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20220811 Carlton Flow Obligation to be effective 11/1/2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5035.

Comment Date: 5 p.m. ET 8/23/22.

Docket Numbers: RP22–1120–000.

Applicants: SG Resources Mississippi, L.L.C.

Description: § 4(d) Rate Filing: SG Resources Mississippi, L.L.C. Revisions to FERC Gas Tariff to be effective 9/13/2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5077.

Comment Date: 5 p.m. ET 8/23/22.

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 12, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17816 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2643–000]

Three Corners Solar, 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 Three Corners Solar, 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 September 1, 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.

Dated: August 12, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17817 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–101–000.

Applicants: Backbone Mountain Windpower LLC, Meyersdale Windpower LLC, Mill Run Windpower LLC, Somerset Windpower LLC, Waymart Wind Farm LLC, Sequitur Renewables, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Backbone Mountain Windpower LLC, et al.

Filed Date: 8/11/22.

Accession Number: 20220811–5161.

Comment Date: 5 p.m. ET 9/1/22.

Docket Numbers: EC22–102–000.

Applicants: Phobos Solar, LLC, PGR 2021 Lessee 11, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Phobos Solar, LLC, et al.

Filed Date: 8/12/22.

Accession Number: 20220812–5094.

Comment Date: 5 p.m. ET 9/2/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2098–001.

Applicants: Titan Solar 1, LLC.

Description: Notice of Non-Material Change in Status of Titan Solar 1, LLC.

Filed Date: 8/12/22.

Accession Number: 20220812–5087.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–1880–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Capital Budget Quarterly Filing for Second Quarter of 2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5164.

Comment Date: 5 p.m. ET 9/1/22.

Docket Numbers: ER22–2464–000.

Applicants: Black Hills Power, Inc.

Description: Report Filing: Supplement to Jurisdictional Agreement Filing—Misc. Serv. Agmts & Rate Scheds to be effective N/A.

Filed Date: 8/12/22.

Accession Number: 20220812–5042.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2465–000.

Applicants: Black Hills Power, Inc.

Description: Report Filing: Supplement to Jurisdictional Agreement Filing—Misc. Serv. Agmts & Rate Scheds to be effective N/A.

Filed Date: 8/12/22.

Accession Number: 20220812–5043.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2518–000.

Applicants: Clearwater Wind I, LLC.

Description: Amendment to July 28, 2022 Clearwater Wind I, LLC tariff filing.

Filed Date: 8/12/22.

Accession Number: 20220812–5085.

Comment Date: 5 p.m. ET 8/22/22.

Docket Numbers: ER22–2525–000.

Applicants: Gridmatic Inc.

Description: Refund Report: Proposed Refund Report to be effective N/A.

Filed Date: 8/12/22.

Accession Number: 20220812–5115.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2644–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 5377; Queue No. AE1–099 to be effective 3/29/2019.

Filed Date: 8/11/22.

Accession Number: 20220811–5131.

Comment Date: 5 p.m. ET 9/1/22.

Docket Numbers: ER22–2645–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6571; Queue No. AE2–104 to be effective 7/14/2022.

Filed Date: 8/11/22.

Accession Number: 20220811–5134.

Comment Date: 5 p.m. ET 9/1/22.

Docket Numbers: ER22–2646–000.

Applicants: Graphite Solar 1, LLC.

Description: § 205(d) Rate Filing: Graphite Solar I, LLC Notice of Succession to be effective 8/13/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5012.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2647–000.

Applicants: NextEra Energy Transmission New York, Inc., New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NextEra Energy Transmission New York, Inc. submits tariff filing per 35.13(a)(2)(iii: Section 205 EPC Agreement among NYISO, NEETNY, and Excelsior Energy SA.2690 to be effective 7/29/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5024.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2648–000.

Applicants: Omaha Public Power District.

Description: Request for Limited Waiver, et al. of Omaha Public Power District.

Filed Date: 8/11/22.

Accession Number: 20220811–5158.

Comment Date: 5 p.m. ET 8/25/22.

Docket Numbers: ER22–2649–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Proposed Revisions to Market-Based Rate Tariff to be effective 10/11/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5063.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2650–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Claxton Solar LGIA Termination Filing to be effective 8/12/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5084.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2651–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc., Filing of Permanent De-List Bids and Retirement De-List Bids Submitted for the Seventeenth Forward Capacity Auction.

Filed Date: 8/10/22.

Accession Number: 20220810–5181.

Comment Date: 5 p.m. ET 8/31/22.

Docket Numbers: ER22–2652–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Dixie Power Communications Sharing Agreement to be effective 10/12/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5136.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2653–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to Sch. 12-Appx A: July 2022 RTEP, 30-Day Comment Period Requested to be effective 11/10/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5151.

Comment Date: 5 p.m. ET 9/2/22.

Docket Numbers: ER22–2654–000.

Applicants: Southwest Power Pool, Inc., Grand River Dam Authority.

Description: § 205(d) Rate Filing: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Grand River Dam Authority Revisions to Formula Rate Protocols to be effective 10/12/2022.

Filed Date: 8/12/22.

Accession Number: 20220812–5155.

Comment Date: 5 p.m. ET 9/2/22.

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 12, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17819 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5638–003]

Northwoods Renewables, LLC, Parker & Nelson Holdings, LLC; Notice of Transfer of Exemption

1. On June 9, 2022, Northwoods Renewables, LLC, exemptee for the 105-kilowatt Ashland Papermill Hydroelectric Project No. 5638, filed a letter notifying the Commission that the project was transferred from Northwoods Renewables, LLC to Parker & Nelson Holdings, LLC. The exemption from licensing was originally issued on April 9, 1982.[1] The project is located on the Squam River in Grafton County, New Hampshire. The transfer of an exemption does not require Commission approval.

2. Parker & Nelson Holdings, LLC is now the exemptee of the Ashland Papermill Hydroelectric Project No. 5638. All correspondence must be forwarded to Jessica Barlett, Parker & Nelson Holdings, LLC, 1249 NH Route 175, Campton, New Hampshire 03223, Phone: (603) 236–2654, Email: *Barlettbookkeepers@gmail.com.*

Dated: August 15, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17875 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

[1] *Mill Pond Associates, Inc.,* 19 FERC ¶ 62,045 (1982). On February 27, 2013, the project was transferred to Northwoods Renewables, LLC.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator and Foreign Utility Company Status

	Docket Nos.
Cutlass Solar LLC	EG22–109–000
SJRR Power LLC	EG22–110–000
Victoria Port Power II	EG22–111–000
Yapkank Fuel Cell Park, LLC	EG22–112–000
Vansycle II Wind, LLC	EG22–113–000
Great Prairie Wind, LLC	EG22–114–000
Tres Bahias Solar Power, LLC	EG22–115–000
Ocean State BTM, LLC	EG22–116–000
Rumford ESS, LLC	EG22–117–000
Madison BTM, LLC	EG22–118–000
South Portland ESS, LLC	EG22–119–000
Sandford ESS, LLC	EG22–120–000
Madison ESS, LLC	EG22–121–000
AE–ESS NWS 1, LLC	EG22–122–000
Shakes Solar, LLC	EG22–123–000
Great Pathfinder Wind, LLC	EG22–124–000
Jackpot Holdings LLC	EG22–125–000
Fence Post Solar Project, LLC	EG22–126–000
Ganado Solar, LLC	EG22–127–000
Stampede Solar Project, LLC	EG22–128–000
Sierra Energy Storage, LLC	EG22–129–000
Madison Fields Solar Project, LLC	EG22–130–000
Marion County Solar Project, LLC	EG22–131–000
Tres City Power LLC	EG22–132–000
Wolf Tank Storage LLC	EG22–133–000
Tres Port Power LLC	EG22–134–000
BillerudKorsnäs Sweden AB	FC22–2–000

Take notice that during the month of July 2022, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2021).

Dated: August 15, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–17874 Filed 8–18–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–030]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed August 8, 2022 10 a.m. EST

Through August 15, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220117, Draft, USN, VA, Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and its Associated Naval Reactor Plants, *Comment Period Ends:* 10/03/2022, *Contact:* Amanda Stuhldreher 202–781–6368.

EIS No. 20220118, Final Supplement, USACE, SC, Haile Gold Mine, *Review Period Ends:* 09/19/2022, *Contact:* Shawn Boone 843–329–8158.

EIS No. 20220119, Draft, USFWS, CA, Tijuana Estuary Tidal Restoration Program II Phase I, *Comment Period Ends:* 10/03/2022, *Contact:* Brian Collins 760–431–9440 x273.

Dated: August 15, 2022.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2022–17884 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10133–01–OA]

Request for Nominations of Candidates for the Science Advisory Board Clean Air Status and Trends Network

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the EPA Clean Air Status and Trends Network (CASTNET). This panel will review Agency presentations on the history, operation, contributions, and options for future operation of the monitoring network to offer advice regarding the future of this monitoring network.

DATES: Nominations should be submitted by September 9, 2022 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Bryan J. Bloomer, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office by telephone/voice mail (202) 564–4222, or email at *bloomer.bryan@epa.gov.* General information concerning the EPA SAB can be found at the EPA SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Staff Office is forming an expert panel, the CASTNET review panel, under the auspices of the Chartered SAB. The CASTNET review panel will provide advice through the chartered SAB. The SAB and the CASTNET review panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The CASTNET review panel will conduct the review of the monitoring network operated by the EPA's Office of Air and Radiation (OAR). The Clean Air Status and Trends Network (CASTNET) is a national long-term monitoring network that provides data to characterize ambient pollutant concentrations in rural communities, estimate atmospheric deposition of air pollutants and quantify their ecological effects, and assess the effectiveness of the Agency's regulatory programs (*e.g.,* air quality and deposition trends). The CASTNET Review Panel will conduct the review of CASTNET as requested by the EPA's Office of Air and Radiation. CASTNET measurements were initially designed, and are currently used, to evaluate the efficacy of regional and national air pollution control programs (*e.g.,* atmospheric deposition and to inform ozone NAAQS attainment). Over the last 15 years, measurements were also used to review, set, and assess compliance with the primary and secondary NAAQS (*i.e.,* O_3, PM, SO_X,NO_X); support scientific advances in understanding the fate and regional transport of ozone and $PM_{2.5}$ precursors, including evaluating the possible impact of climate change on air pollution; and underpin development, evaluation, and application of air quality models used by the Agency to establish effective regulations. The rural network is unique from, and complimentary to, state regulatory measurements (*e.g.,* SLAMS) that are typically located within urban population centers. CASTNET is managed and operated in cooperation with the National Park Service, Bureau of Land Management, and other partners, including federal, state, and local agencies, and seven Native American tribes. The CASTNET program of EPA/OAR is a major contributor to the National Acid Deposition Program (NADP), a long-term cooperative environmental monitoring effort of federal, state, and tribal agencies, educational institutions, non-governmental organizations, and private companies. These programs monitor atmospheric concentrations and deposition of pollutants and their effects on ecosystems. NADP consists of more than 250 sites across North America, including the National Trends Network (NTN), which monitors precipitation chemistry, and the Ammonia Monitoring Network (AMoN), which monitors ambient ammonia concentrations. EPA/OAR supports 28 NTN sites and 61 AMoN sites. Many of the CASTNET and NADP/NTN sites have been operating for more than 30 years and have been used to observe climate and changing weather impacts on air quality and air pollution.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: Atmospheric Sciences, Air Quality Monitoring, Atmospheric Modeling, Atmospheric Chemistry, Ecology, Geostatistics, Biogeochemical Cycling, and Climate Change.

Strongest consideration will be given to individuals with demonstrated experience (as documented in their curriculum vitae and publication history) with atmospheric chemical and particle wet and dry deposition; nitrogen impacts in ecosystems; critical loads; climate change impacts on air quality; differences in rural and urban air quality; photochemistry; atmospheric ammonia measurements, modeling and emission inventories; analysis of long-term environmental trends; forest ecology; soil chemistry; stream and lake chemistry; and biological monitoring of acid sensitive species.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership'' following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the SAB website (see the ''Nomination of Experts'' link under ''Current Activities'' at *https://sab.epa.gov*). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity. Nominations should be submitted in time to arrive no later than September 9, 2022.

The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** Notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at *https://sab.epa.gov*. Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov*. This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov*.

V Khanna Johnston,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2022–17871 Filed 8–18–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Thursday September 15, 2022 via conference call and available to the public via the internet at *http://www.fcc.gov/live,* from 10 a.m. to 12:30 p.m.

DATES: Thursday, September 15, 2022.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Ha, Chief, Policy and Rules Division 202–418–2099; *michael.ha@fcc.gov.*

SUPPLEMENTARY INFORMATION: At the September 15th meeting, the TAC will continue to consider and advise the Commission on topics such as 6G, artificial intelligence, advanced spectrum sharing technologies, and emerging wireless technologies, including new tools to restore internet access during shutdowns and other disruptions. This agenda may be modified at the discretion of the TAC Chair and the Designated Federal Officer (DFO).

Meetings are broadcast live with open captioning over the internet from the FCC Live web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to Michael Ha, the FCC's Designated Federal Officer for Technological Advisory Council by email: *michael.ha@fcc.gov* or U.S. Postal Service Mail (Michael Ha, Federal Communications Commission, 45 L Street NE, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted but may not be possible to fill.

Federal Communications Commission.

Ronald T. Repasi,

Acting Chief, Office of Engineering and Technology.

[FR Doc. 2022–17854 Filed 8–18–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0262 and OMB 3060–1022; FR ID 101332]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before September 19, 2022.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control No.: 3060–0262.

Title: Section 90.179, Shared Use of Radio Stations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, non-for-profit institutions, and state, local and tribal government.

Number of Respondents and Responses: 43,000 respondents, 43,000 responses.

Estimated Time per Response: .25 up to .75 hours.

Frequency of Response: Recordkeeping requirement and On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(i), 161, 303(g), 303(r) and 332(c)(7).

Total Annual Burden: 43,000 hours.

Annual Cost Burden: No cost.

Needs and Uses: The Commission was directed by the United States Congress, in the Balanced Budget Act of 1997, to dedicate 2.4 MHz of electromagnetic spectrum in the 746–806 MHz band for public safety services. Section 90.179 requires that Part 90 licensees that share use of their private land mobile radio facility on non-profit, cost-sharing basis to prepare and keep a written sharing agreement as part of the station records. Regardless of the method of sharing, an up-to-date list of persons who are sharing the station and the basis of their eligibility under Part 90 must be maintained. The requirement is necessary to identify users of the system should interference problems develop. This information is used by the Commission to investigate interference complaints and resolve interference and operational complaints that may arise among the users.

OMB Control Number: 3060–1022.

Title: Sections 101.1403, 101.103(f), 101.1413, 101.1440, 101.1417 and 25.139 (MVDDS reporting, recordkeeping and third-party disclosures; NGSO FSS and DBS recordkeeping and third-party disclosures)

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 18 respondents; 2,238 responses.

Estimated Time per Response: 0.25 hour–40 hours.

Frequency of Response: Annual and on occasion reporting requirements; 5- and 10-years reporting requirements; third party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. 47 U.S.C. 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j).

Total Annual Burden: 5,316 hours.

Total Annual Cost: No cost.

Needs and Uses: This collection includes a Part 25 rule and various rules in Part 101 that govern record retention, reporting, and third-party disclosure requirements related to satellite and terrestrial sharing of the 12.2–12.7 GHz band. The satellite operators are Non-Geostationary Orbit Fixed Satellite Service (NGSO FSS) and Direct Broadcast Satellite (DBS) Service. The terrestrial operators are Multichannel Video Distribution and Data Service (MVDDS). The following information collected will assist the Commission in analyzing trends and competition in the

marketplace. Section 25.139 requires NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared to enable MVDDS licensees to determine whether a proposed MVDDS transmitting antenna meets the minimum spacing requirement relative to qualifying, existing NGSO FSS subscriber receivers (set forth in § 101.129, FCC Rules). Section 101.1403 requires certain MVDDS licensees that meet the statutory definition of Multichannel Video Programming Distributor (MVPD) to comply with the broadcast carriage requirements located 47 U.S.C. 325(b)(1). Any MVDDS licensee that is an MVPD must obtain the prior express authority of a broadcast station before retransmitting that station's signal, subject to the exceptions contained in § 325(b)(2) of the Communications Act of 1934. Section 101.103(f) requires MVDDS licensees to provide notice of intent to construct a proposed antenna to NGSO FSS licensees operating in the 12.2–12.7 GHz frequency band and to establish and maintain an internet website of all existing transmitting sites and transmitting antenna that are scheduled for operation within one year including the ''in service'' dates. Section 101.1413, as a construction requirement, requires MVDDS licensees to file a showing of substantial service at five and ten years into the initial license term. Substantial service is defined as a ''service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal.'' The Commission set forth a safe harbor to serve as a guide to licensees in satisfying the substantial service requirement, as well as additional factors that it would take into consideration in determining whether a licensee satisfies the substantial service standard. Section 101.1440 requires MVDDS licensees to collect information and disclose information to third parties. Therefore, the reporting and disclosure requirements are as follows: Section 101.1440 requires MVDDS licensees to conduct a survey of the area around its proposed transmitting antenna site to determine the location of all DBS customers of record that may potentially be affected by the introduction of its MVDDS service. At least 90 days prior to the planned date of MVDDS commencement of operations, the MVDDS licensee must then provide specific information to the DBS licensee(s). Alternatively, MVDDS licensees may obtain a signed, written agreement from DBS customers of record stating that they are aware of and agree to their DBS system receiving MVDDS signal levels in excess of the appropriate Equivalent Power Flux Density (EPFD) limits. The DBS licensee must thereafter provide the MVDDS licensee with a list of only those new DBS customer locations that have been installed in the 30-day period following the MVDDS notification that the DBS licensee believes may receive harmful interference or where the prescribed EPFD limits may be exceeded. If the MVDDS licensee determines that its signal level will exceed the EPFD limit at any DBS customer site, it shall take whatever steps are necessary, up to and including finding a new transmitter site. Section 101.1417 requires MVDDS licensees to file an annual report. The MVDDS licensees must file with the Commission two copies of a ''licensee information report'' by March 1st of each year for the preceding calendar year. This ''licensee information report'' must include name and address of licensee; station(s) call letters and primary geographic service area(s); and statistical data for the licensee's station.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–17929 Filed 8–18–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0506 and OMB 3060–0938; FR ID 101225]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before September 19, 2022.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the

information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0506.

Title: FCC Form 2100, Schedule 302–FM—FM Station License Application.

Form Number: FCC Form 2100, Schedule 302–FM.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 925 respondents; 925 responses.

Estimated Time per Response: 1–2 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 3,135 hours.

Total Annual Costs: $801,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as

Needs and Uses: The Commission adopted the FM Broadcast Directional Antenna Performance Verification Order, FCC 22–38, adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for FM antenna directional pattern verification by computer modeling. This represents an update from the previous requirement that an FM or LPFM directional antenna's performance be verified by the ''measured relative field pattern'' and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas. The Commission expects that this change in how the antenna manufacturer may validate its FM directional antenna studies would provide an FM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an FM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and full-service FM stations, the Commission is revising the relevant rules, 47 CFR 73.316 and 47 CFR 73.1690, and corresponding instructions, as follows:

Gives an FM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the FM directional antenna pattern prepared by the antenna's manufacturer, in lieu of measured pattern plots and tabulations derived from physical full-size or scale model antenna mockups.

In Section 73.316, specifies the information required in a license application filed for a station using an FM directional antenna, which opts to use computer modeling pattern verification. For example, the license application must include a statement from the engineer responsible for designing the antenna, performing the modeling, and preparing the antenna manufacturer's instructions for installation of the antenna, that identifies and describes the software used to create the computer model, the software tool(s) used in the modeling and the procedures applied in using the software. The statement should describe all radiating structures included in the model. It must also include a certification that the software executed normally without generating error messages or warnings.

Requires that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number.

The revisions to the relevant rules and corresponding Schedule 302–FM instructions listed above may potentially affect the substance, burden hours, and costs of completing the Schedule 302–FM. Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.

OMB Control Number: 3060–0938.

Title: Form 2100, Schedule 319—Low Power FM Station License Application.

Form Number: FCC Form 2100, Schedule 319.

Type of Review: Revision of a currently approved collection.

Respondents: Not-for-profit institutions, State, local or Tribal Government.

Number of Respondents and Responses: 200 respondents and 200 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 200 hours.

Total Annual Cost: $27,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Needs and Uses: The Commission adopted the FM Broadcast Directional Antenna Performance Verification Order, FCC 22–38, adopted May 19, 2022, and released on May 19, 2022, where the Commission revised its broadcast radio rules and procedures to allow for LPFM antenna directional pattern verification by computer modeling. This represents an update from the previous requirement that an FM or LPFM directional antenna's performance be verified by the ''measured relative field pattern'' and brings our rules for those services into regulatory conformity with our rules governing AM and DTV directional antennas. The Commission expects that this change in how the antenna manufacturer may validate its LPFM directional antenna studies would provide an LPFM license applicant with greater flexibility in antenna siting and reduce the overall costs of designing and building an LPFM directional antenna, and station construction.

Specifically, pertaining to this Information Collection and LPFM stations, the Commission is revising the relevant rules, 47 CFR 73.316 and 47 CFR 73.1690, and corresponding instructions, as follows:

Gives an LPFM license applicant that employs a directional antenna the option of submitting computer-generated proofs of the LPFM directional antenna pattern prepared by the antenna's manufacturer, in lieu of measured pattern plots and tabulations derived from physical full-size or scale model antenna mockups.

In Section 73.316, specifies the information required in a license application filed for a station using an LPFM directional antenna, which opts to use computer modeling pattern verification. For example, the license application must include a statement from the engineer responsible for designing the antenna, performing the modeling, and preparing the antenna

manufacturer's instructions for installation of the antenna, that identifies and describes the software used to create the computer model, the software tool(s) used in the modeling and the procedures applied in using the software. The statement should describe all radiating structures included in the model. It must also include a certification that the software executed normally without generating error messages or warnings.

Requires that, the first time the directional pattern of a particular model of antenna is verified using computer results, the broadcast station must submit to the Commission both the results of the computer modelling and the measurements of either a full-size or scale model of the antenna or elements thereof, demonstrating a reasonable correlation between the measurements achieved and the computer model results. Once a particular antenna model or series of elements has been verified, subsequent applicants using the same antenna model number or elements and the same modeling software may cross-reference the original submission by providing the application file number.

The revisions to the relevant rules and corresponding Form 2100, Schedule 319 (LPFM License Application) instructions listed above may potentially affect the substance, hours, and costs of completing the Schedule 319 (LPFM License Application). Therefore, this submission is being made to OMB for approval of the revised Information Collection requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–17930 Filed 8–18–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2022–N–11]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as ''Community Support Requirements,'' which has been assigned control number 2590–0005 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on September 30, 2023.

DATES: Interested persons may submit comments on or before October 18, 2022.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Community Support Requirements, (No. 2022–N–11)' '' by any of the following methods:

- *Agency website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the Agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Office of General Counsel, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Community Support Requirements, (No. 2022–N–11).''

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at *http://www.fhfa.gov.*

Copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

FOR FURTHER INFORMATION CONTACT: Mike Price, Senior Policy Analyst, by email at *Michael.Price@fhfa.gov,* by telephone at (202) 649–3134; Tiffani Moore, Supervisory Policy Analyst, by email at *Tiffani.Moore@fhfa.gov,* by telephone at (202) 649–3304; or Angela Supervielle, Counsel, by email at *Angela.Supervielle@fhfa.gov,* by telephone at (202) 649–3973 (these are not toll-free numbers). For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

A. Background

1. Paperwork Reduction Act

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency collection of information from ten or more persons. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice [1] in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. FHFA's collection of information set forth in this document is titled the ''Community Support Requirements'' (assigned control number 2590–0005 by OMB). To comply with the PRA requirement, FHFA is publishing notice of a proposed three-year extension of this collection of information.

2. Community Support Requirements

The Federal Home Loan Bank System (System) consists of eleven regional Federal Home Loan Banks (Banks) and the Office of Finance, a joint office of the Banks that issues and services their debt securities. The Banks are wholesale financial institutions, organized under authority of the Federal Home Loan Bank Act (Bank Act) to serve the public interest by enhancing the availability of residential housing finance and community lending credit through their member institutions and, to a limited extent, through eligible non-member ''housing associates.'' Each Bank is structured as a regional cooperative that is owned and controlled by member financial institutions located within its district, which are also its primary customers.

Section 10(g)(1) of the Bank Act requires the Director of FHFA to promulgate regulations establishing standards of community investment or service that Bank member institutions must meet in order to maintain access to long-term advances.[2] [3] Section 10(g)(2) of the Bank Act requires that, in establishing these community support requirements for Bank members, FHFA take into account factors such as the member's performance under the Community Reinvestment Act of 1977 (CRA) [4] and record of lending to first-

[1] Following the close of this notice's 60-day comment period, FHFA will publish a second notice with a 30-day comment period as required by 44 U.S.C. 3507(b) and 5 CFR 1320.10(a).

[2] 12 U.S.C. 1430(g)(1).

[3] For purposes of the community support requirements, a long-term advance is an advance with a term of maturity greater than one year. 12 CFR 1290.1 (definition of ''long-term advance'').

[4] *See* 12 U.S.C. 2901 *et seq.*

time homebuyers.[5] FHFA's community support regulation, which establishes standards and review criteria for determining compliance with section 10(g) of the Bank Act, is set forth at 12 CFR part 1290.

Part 1290 requires that each Bank member subject to community support review submit to FHFA biennially a completed Community Support Statement (Form 060), which contains several short questions, the answers to which are used by FHFA to assess the responding member's compliance with the statutory and regulatory community support standards.[6] Members are strongly encouraged to complete and submit Form 060 online, but may submit a version via email or fax if they cannot complete the submission online. In Part I of Form 060, a member that is subject to the CRA must record its most recent CRA rating and the year of that rating. Part II of Form 060 addresses a member's efforts to assist first-time homebuyers. A member may either record the number and dollar amount of mortgage loans made to first-time homebuyers in the previous or current calendar year (Part II.A), or indicate the types of programs or activities it has undertaken to assist first-time homebuyers by checking selections from a list (Part II.B), or do both. If a member has received a CRA rating of ''Outstanding,'' it need not complete Part II. A copy of the current Form 060 and related instructions appear at the end of this Notice.

Part 1290 also establishes the circumstances under which FHFA will restrict a member's access to long-term Bank advances and to the Bank Affordable Housing Programs (AHP), Community Investment Programs (CIP), and Community Investment Cash Advance (CICA) programs for failure to meet the community support requirements.[7] Part 1290 permits Bank members whose access to long-term advances has been restricted to apply directly to FHFA to remove the restriction.[8]

B. Need for and Use of the Information Collection

FHFA uses the information collection contained in FHFA Form 060 to determine whether Bank members satisfy the statutory and regulatory community support requirements, and to ensure that, as required by statute and regulation, only Bank members that meet those requirements maintain continued access to long-term Bank advances and to the Bank AHP, CIP, and CICA programs.

The OMB control number for this information collection is 2590–0005, which is due to expire on September 30, 2023. The respondents are Bank member institutions.

C. Burden Estimate

FHFA has analyzed the two facets of this information collection to estimate the hour burdens that the collection will impose upon Bank members annually over the next three years. Based on that analysis, FHFA estimates that the total annual hour burden will be 2,094 hours. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained in detail below.

1. Community Support Statements

There are currently about 6,600 Bank members. With exceptions, most Bank members must submit a Community Support Statement biennially. Non-depository community development financial institution (CDFI) Bank members are exempt from filing. At the end of 2021, there were 68 non-depository CDFI Bank members. Bank members who have been Bank members for less than one year as of March 31 of the year the submission is required are also exempt from filing. The Banks have added, on average, 118 new members per year over the last three years. FHFA arrives at a total estimate of about 6,414 respondents required to file each cycle (6,600 total members minus (68 non-depository CDFI members + 118 exempt new members biennially)). Under the Community Support biennial review cycle, members submit Community Support Statements every other year. Accordingly, FHFA estimates that the total number of respondents per year is about 3,207 (half of 6,414).

FHFA estimates that the average preparation and submission time for each Community Support Statement is 0.65 hours. The estimate for the total annual hour burden on Bank members in connection with the preparation and submission of Community Support Statements is, therefore, 2,085 hours (3,207 Statements $\times$ 0.65 hours).

2. Requests To Remove a Restriction on Access to Long-Term Advances

FHFA estimates that an annual average of 12 Bank members whose access to long-term advances and to AHP, CIP, and CICA programs has been restricted will prepare and submit requests to FHFA to remove those restrictions, and that the average preparation time for each request will be 0.75 hours. The estimate for the total annual hour burden on Bank members in connection with the preparation and submission of requests to remove a restriction on access to long-term advances is, therefore, 9 hours (12 requests $\times$ 0.75 hours).

D. Comment Request

FHFA requests written comments on the following: (1) whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

BILLING CODE 8070–01–P

Shawn Bucholtz,

Chief Data Officer, Federal Housing Finance Agency.

[5] 12 U.S.C. 1430(g)(2).

[6] *See* 12 CFR 1290.2. Non-depository community development financial institutions and institutions that have been Bank members for less than one year as of March 31 of the year the Form 060 is due are not required to submit Form 060.

[7] *See* 12 CFR 1290.5(b), (e).

[8] *See* 12 CFR 1290.5(d).

FHFA Form 060
Informational Purposes Only

FEDERAL HOUSING FINANCE AGENCY
COMMUNITY SUPPORT PROGRAM
COMMUNITY SUPPORT STATEMENT

(see instructions page 2)

FHFA Federal Home Loan Bank (FHLBank) Member ID Number: *[online form: Member fills in]*

Name of FHLBank Member Institution: *[online form: FHFA automatically fills in once the member enters its FHFA ID Number]*

Mailing Address: *[online form: FHFA fills in]*

City: *[online form: FHFA fills in]* **State:** *[online form: FHFA fills in]* **Zip Code:** *[online form: FHFA fills in]*

Submitter Name: *[online form: Member fills in]* **Title:** *[online form: Member fills in]*

Work Email: *[Member fills in and used for validation purposes only]*

Part I. Community Reinvestment Act (CRA) Standard:

Most recent federal CRA rating: *[online form: drop down list]* **Year of most recent federal CRA rating:** *[online form: drop down list]*

Part II. First-time Homebuyer Standard: *All Federal Home Loan Bank members must complete either Section A or B of this part, except that members with "Outstanding" federal CRA ratings need not complete this part. Members should use data or activities for the previous or current calendar year in completing this part.*

A. Complete the following two questions: *If your institution did not make, or did not track, mortgage loans to first-time homebuyers, you must complete Section B of this part. [online form: Member completes]*

1. Number of mortgage loans made to first-time homebuyers #_____
2. Dollar amount of mortgage loans made to first-time homebuyers $_____

B. Check as many as applicable:

1. Offer in-house first-time homebuyer program (e.g., underwriting, marketing plans, outreach programs) _____
2. Offer other in-house lending products that serve first-time or low- and moderate-income homebuyers _____
3. Offer flexible underwriting standards for first-time homebuyers _____
4. Participate in nationwide first-time homebuyer programs (e.g., Fannie Mae, Freddie Mac) _____
5. Participate in federal government programs that serve first-time homebuyers (e.g., FHA, VA, USDA RD) _____
6. Participate in state or local government programs targeted to first-time homebuyers (e.g., mortgage revenue bond financing) _____
7. Provide financial support or technical assistance to community organizations that assist first-time homebuyers _____
8. Participate in loan consortia that make loans to first-time homebuyers _____
9. Participate in or support special counseling or homeownership education targeted to first-time homebuyers _____
10. Hold investments or make loans that support first-time homebuyer programs _____
11. Hold mortgage-backed securities that may include a pool of loans to low- and moderate-income homebuyers _____
12. Use affiliated lenders, credit union service organizations, or other correspondent, brokerage or referral arrangements with specific unaffiliated lenders, that provide mortgage loans to first-time or low- and moderate-income homebuyers _____
13. Participate in the Affordable Housing Program or other targeted community investment/development programs offered by the Federal Home Loan Bank _____
14. Other (attach description of other activities supporting first-time homebuyers; see instructions for Part II) _____
15. None of the above (attach explanation of any mitigating factors; see instructions for Part II) _____

Part III. Certification: By submitting this Community Support Statement, I certify that I am a senior official of the above institution, that I am authorized to provide this information to FHFA, and that the information in this Statement and any attachments is accurate to the best of my knowledge.

Sign: *[not on the online form; "Submit" button is equivalent]* **Date:** *[not on the online form; date is automatic]*

Community Support Statement (FHFA Form 060) Instructions

Purpose: Section 10(g) of the Federal Home Loan Bank Act [12 U.S.C. § 1430(g)] sets forth the community support requirements. Under the Federal Housing Finance Agency's (FHFA) implementing community support regulation [12 CFR part 1290], FHFA is required to take into account a Federal Home Loan Bank (Bank) member's performance under the Community Reinvestment Act of 1977 [12 U.S.C. § 2901 et seq.] (federal CRA) and its record of lending to first-time homebuyers, in determining whether to maintain the member's access to long-term Bank advances and to a Bank's Affordable Housing Program (AHP) and targeted Community Investment Cash Advances (CICA) programs. For purposes of community support review, the term "long-term advances" means advances with a term to maturity greater than one year.

Part I. (CRA Standard): Members subject to the federal CRA must complete this part. Provide your institution's most recent federal CRA rating and the year of the rating. Credit unions and insurance companies, which are not subject to the federal CRA, should indicate "N/A" [i.e., not applicable] in the CRA rating field on this Community Support Statement. If your institution is not a credit union or insurance company and is not subject to the federal CRA, indicate the reason for the exemption. If a member's most recent federal CRA rating is "Needs to Improve," FHFA will place the member on probation. During the probationary period, the member will retain access to long-term Bank advances and Bank AHP and CICA programs. If the member does not receive an improved federal CRA rating at its next CRA evaluation, FHFA will restrict its prospective access to long-term Bank advances and Bank AHP and CICA programs. If a member's most recent federal CRA rating is "Substantial Non-compliance," FHFA will restrict the member's prospective access to long-term Bank advances and AHP and CICA programs. The restriction will remain in effect until the member's federal CRA rating improves.

Part II. (First-time Homebuyer Standard): All members, except those with "Outstanding" federal CRA ratings, must complete this part. A member may satisfy the first-time homebuyer standard either by: demonstrating lending performance to first-time homebuyers (Section A); or demonstrating other financial support or participation in programs, products, services or investments, that directly or indirectly assists first-time homebuyers (Section B); or by a combination of both factors. If none of the information requested in this part describes your institution's activities to support first-time homebuyers, you may attach a brief description of other activities of your institution that support first-time homebuyers, or a brief explanation of any mitigating factors that adversely affect your institution's ability to assist first-time homebuyers, such as charter or operational limitations or market conditions. If a member does not demonstrate assistance to first-time homebuyers or include an explanation of mitigating factors on this Community Support Statement, FHFA will restrict the member's prospective access to long-term Bank advances and Bank AHP and CICA programs. The restriction will remain in effect until the member submits applicable information to FHFA that demonstrates the member's compliance with the first-time homebuyer standard.

Part III. (Certification): All members must complete this part. A senior official of your institution with authorization to provide the information in this Community Support Statement must certify that the information in this Community Support Statement and any attachments are accurate to the best of his/her knowledge. If a member submits a Community Support Statement that does not include this required certification, FHFA will restrict the member's prospective access to long-term Bank advances and Bank AHP and CICA programs.

Assistance: Your institution's Federal Home Loan Bank has a Community Support Program Representative that can assist you in preparing this Community Support Statement. Please contact your FHLBank's Community Support Program Representative: https://www.fhfa.gov/PolicyProgramsResearch/Programs/AffordableHousing/Documents/FHLBanks-CSP-Representatives.pdf

Federal Housing Finance Agency
Division of Housing Mission and Goals
400 7th Street, S.W.
Washington, D.C. 20219

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FHFA Form 060 **OMB Number 2590-0005** **Expires 09/30/2023** **Page 2 of 2**

[FR Doc. 2022–17938 Filed 8–18–22; 8:45 am]
BILLING CODE 8070–01–C

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 6, 2022.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *The Trager Family Foundation Trust, Steven E. Trager, as trustee, both of Louisville, Kentucky;* to join the Trager Family Control Group, a group acting in concert, to retain voting shares of Republic Bancorp, Inc., and thereby indirectly retain voting shares of Republic Bank & Trust Company, both of Louisville, Kentucky.

2. *Jeffrey Joe Stinson, Milan, Tennessee; the Patricia Ross Jones 2021 GST-Exempt ESBT Trust, Patricia Jones, as trustee, both of Trenton, Tennessee; the Linda Ross Szopinski 2021 GST-Exempt ESBT Trust, Linda Szopinski, as trustee, the John W. Ross 2021 GST-*

Exempt ESBT Trust, John Ross, as trustee, the Sandra K. Ross 2021 GST-Exempt ESBT Trust, Sandra Stinson, as trustee, John W. Ross and Missy Ross, James Szopinski, Community National Bank f/b/o Jeffrey Stinson IRA, all of Milan, Tennessee; and Barry Jones, Trenton, Tennessee; a group acting in concert to acquire and retain voting shares of Hometown Bancorp, Inc., and thereby indirectly acquire and retain voting shares of The Bank of Milan, both of Milan, Tennessee.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–17824 Filed 8–18–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 6, 2022.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *The Revocable Trust Agreement No. 060134, James O. Beavers, trustee, both of Taylorville, Illinois;* to retain voting shares of First Bancorp of Taylorville, Inc., and thereby indirectly retain voting shares of First National Bank in Taylorville, both of Taylorville, Illinois.

B. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *Tyler Engstrom, Westhope, North Dakota;* to acquire voting shares of Peoples State Holding Company (Company), and thereby indirectly acquire voting shares of Peoples State Bank (Bank), both of Westhope, North Dakota. Additionally, Tyler Engstrom; Curtis Moum, Westhope, North Dakota; and Darin Bohl, Bottineau, North Dakota, as a group acting in concert, to acquire voting shares of Company and thereby indirectly acquire voting shares of Bank.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–17925 Filed 8–18–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1747]

Guidelines for Evaluating Account and Services Requests

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final guidance.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has approved final guidelines (Account Access Guidelines) for Federal Reserve Banks (Reserve Banks) to utilize in evaluating requests for access to Reserve Bank master accounts and services (accounts and services).

DATES: Implementation Date is August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Jason Hinkle, Assistant Director (202–912–7805), Division of Reserve Bank Operations and Payment Systems, or Gavin Smith, Senior Counsel (202–452–3474), Legal Division, Board of Governors of the Federal Reserve System. For users of TTY–TRS, please call 711 from any telephone, anywhere in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The payments landscape is evolving rapidly as technological progress and other factors are leading both to the introduction of new financial products and services and to different ways of providing traditional banking services. Relatedly, there has been a recent uptick in novel charter types being authorized or considered by federal and state banking authorities across the country. As a result, the Reserve Banks are receiving an increasing number of inquiries and access requests from institutions that have obtained, or are considering obtaining, such novel charter types.

A. Summary of May 2021 Proposed Account Access Guidelines

On May 5, 2021, the Board requested comment on proposed guidelines to be used by Reserve Banks in evaluating requests for accounts and services (Original Proposal or Proposed Guidelines).[1] [2] The Original Proposal reflected the Board's policy goals of (1) ensuring the safety and soundness of the banking system, (2) effectively implementing monetary policy, (3) promoting financial stability, (4) protecting consumers, and (5) promoting a safe, efficient, inclusive, and innovative payment system. The Original Proposal was also intended to ensure that Reserve Banks apply a transparent and consistent set of factors when reviewing requests for access to accounts and services (access requests).[3]

The Original Proposal consisted of the following six principles:

1. Each institution requesting an account or services must be eligible under the Federal Reserve Act or other federal statute to maintain an account at a Reserve Bank and receive Federal Reserve services and should have a well-founded, clear, transparent, and enforceable legal basis for its operations.

2. Provision of an account and services to an institution should not present or create undue credit, operational, settlement, cyber or other risks to the Reserve Bank.

3. Provision of an account and services to an institution should not present or create undue credit, liquidity, operational, settlement, cyber or other risks to the overall payment system.

4. Provision of an account and services to an institution should not create undue risk to the stability of the U.S. financial system.

5. Provision of an account and services to an institution should not create undue risk to the overall economy by facilitating activities such as money laundering, terrorism financing, fraud, cybercrimes, or other illicit activity.

[1] 86 FR 25865 (May 11, 2021).

[2] The Proposed Guidelines are designed to be applied to both new and pending access requests as well as cases where the Reserve Bank determines to reevaluate the risk of existing accounts. This broad application is intended to ensure that risks are identified and mitigated and that institutions are treated in a fair and equitable manner.

[3] In developing the Account Access Guidelines, the Board sought to incorporate as much as possible existing Reserve Bank risk management practices.

6. Provision of an account and services to an institution should not adversely affect the Federal Reserve's ability to implement monetary policy.

The first principle specified that only institutions that are legally eligible for access to Reserve Bank accounts and services would be considered for access. The remaining five principles addressed specific risks, ranging from narrow risks (such as risk to an individual Reserve Bank) to broader risks (such as risk to the U.S. financial system).[4] For each of these five principles, the Original Proposal set forth factors that Reserve Banks should consider when evaluating an institution's access request against the specific risk targeted by the principle (several factors are pertinent to more than one principle). The identified factors are commonly used in the regulation and supervision of federally-insured institutions and many of the factors are utilized in existing Reserve Bank risk management practices. The Original Proposal noted that requests from non-federally-insured institutions would generally be subject to a greater level of review. In addition, the Board noted that, when applying the Account Access Guidelines, the Reserve Bank reviewing the access request should integrate to the extent possible the assessments of the requesting institution by its state and/or federal supervisors into the Reserve Bank's own independent assessment of the institution's risk profile.

The Board intended for the Original Proposal to support consistency in evaluating account access requests across Reserve Banks, while maintaining the discretion granted to the Reserve Banks under the Federal Reserve Act to grant or deny access requests. The Board noted in the Original Proposal that a consistent framework across Reserve Banks would reduce the potential that one Reserve Bank might be considered to be more likely to grant access requests than another Reserve Bank and would mitigate the risk that an individual access request decision by one Reserve Bank could create de facto Federal Reserve System policy regarding access requests for a particular business model or risk profile.

The Original Proposal was based on a foundation of risk management and mitigation. In developing the Original Proposal, the Board considered the risks that may arise when an institution gains access to accounts and services. These risks include, among others, risks to the Reserve Banks, to the payment system, to the financial system, and to the effective implementation of monetary policy. The Original Proposal would prompt the Reserve Bank to evaluate an eligible institution's risk profile and identify risk-mitigation strategies adopted by the eligible institution (including capital, risk management frameworks, compliance with regulations, and supervision) as well as potential risk mitigants that could be implemented by the Reserve Bank (including account agreement provisions, restrictions on financial services accessed, and account risk controls).

In the Original Proposal, the Board expressed the Federal Reserve's broad policy goals in providing accounts and services. In addition, the Board stated that, while the Proposed Guidelines would be intended primarily to apply to new access requests, Reserve Banks would also apply them to existing account and services relationships where appropriate, such as when a Reserve Bank becomes aware of a significant increase in the risks that an account holder presents due to changes in the nature of, for example, its principal business activities or condition.

The Board requested comment on all aspects of the Original Proposal, including whether the scope and application of the Proposed Guidelines was sufficiently clear and appropriate to achieve their intended purpose. The Board also requested comment on whether other criteria or information might be relevant when Reserve Banks evaluate access requests. The Board further sought comment specifically on the following aspects of the Original Proposal:

1. Do the Proposed Guidelines address all the risks that would be relevant to the Federal Reserve's policy goals?
2. Does the level of specificity in each principle provide sufficient clarity and transparency about how the Reserve Banks will evaluate requests?
3. Do the Proposed Guidelines support responsible financial innovation?

Finally, the Board sought comment on whether the Board or the Reserve Banks should consider other steps or actions to facilitate the review of access requests in a consistent and equitable manner.

B. Summary of March 2022 Supplemental Notice

On March 1, 2022, the Board published a second notice (the Supplemental Notice),[5] which proposed to incorporate into the Account Access Guidelines a tiered review framework to provide additional clarity on the level of due diligence and scrutiny that Reserve Banks would apply to different types of institutions when applying the six risk-based principles.

In the Original Proposal, the introductory text to the Account Access Guidelines noted that the application of the Guidelines to requests by federally-insured institutions should be fairly straightforward, while requests from non-federally-insured institutions may necessitate more extensive due diligence. The Supplemental Notice proposed a three-tiered review framework—which would become Section 2 of the Account Access Guidelines—to provide additional clarity regarding the minimum level of review for different types of institutions.

Under the Supplemental Notice, proposed Tier 1 would consist of eligible institutions that are federally-insured. These institutions are already subject to a homogeneous and comprehensive set of federal banking regulations, and, in most cases, detailed regulatory and financial information about these firms would be readily available to Reserve Banks. Accordingly, the Supplemental Notice stated that access requests by Tier 1 institutions would generally be subject to a less intensive and more streamlined review.[6]

In the Supplemental Notice, proposed Tier 2 would consist of eligible institutions that are not federally-insured but that are subject to federal prudential supervision at the institution and, if applicable, at the holding company level.[7] The Supplemental Notice explained that Tier 2 institutions are subject to similar but not identical regulations as federally-insured institutions, and as a result, may present greater risks than Tier 1 institutions. Additionally, detailed regulatory and financial information regarding Tier 2 institutions is less likely to be available and may not be available in public form. Accordingly, the Supplemental Notice stated that access requests by Tier 2 institutions would generally receive an intermediate level of review.

In the Supplemental Notice, proposed Tier 3 would consist of eligible

[4] The six principles were designed primarily as a risk management framework and, as such, focused on risks an institution's access could pose. The Board notes, however, that granting an access request could also have net benefits to the financial system.

[5] 87 FR 12957 (March 8, 2022).

[6] The Supplemental Notice stated that, in cases where the application of the Guidelines to a Tier 1 institution identifies a potentially higher risk profile, the institution would receive additional attention.

[7] The Supplemental Notice noted the Board would expect holding companies of Tier 2 institutions to comply with similar requirements as holding companies subject to the Bank Holding Company Act.

institutions that are not federally insured and not subject to prudential supervision by a federal banking agency at the institution or holding company level. The Supplemental Notice stated that Tier 3 institutions may be subject to a supervisory or regulatory framework that is substantially different from, and possibly weaker than, the supervisory and regulatory framework that applies to federally-insured institutions, and as a result may pose the highest level of risk. Detailed regulatory and financial information regarding Tier 3 institutions may not exist or may be unavailable. Accordingly, the Supplemental Notice stated that access requests by Tier 3 institutions would generally receive the strictest level of review.

The Board sought comment on all aspects of the proposed three-tiered review framework.

II. Discussion

The Board is adopting final Account Access Guidelines. Section 1 of the final Account Access Guidelines is substantially the same as the Original Proposal with minor changes to improve clarity in response to comments received. As described further below, the Board has made certain changes in Section 2 of the final Account Access Guidelines to provide more comparable treatment between non-federally-insured institutions chartered under state and federal law. Specifically, the Board has revised Tier 2 to include a narrower set of non-federally-insured national banks than the definition proposed in the Supplemental Notice.[8] Under the revised Tier 2, non-federally-insured institutions that are chartered under federal law will only be considered in Tier 2 if the institution has a holding company that is subject to Federal Reserve oversight. In addition, the Board is updating the Section 2 tiering framework to emphasize that the review of institutions' requests will be completed on a case-by-case, risk-focused basis within each of the three tiers.[9] For example, Reserve Banks may take comparatively longer to review access requests by institutions that engage in novel activities for which authorities are still developing appropriate supervisory and regulatory frameworks.

By adopting the final Account Access Guidelines, the Board would establish a transparent and equitable framework for Reserve Banks to apply consistently to access requests. To promote consistency, the Reserve Banks are working together, in consultation with the Board, to expeditiously develop an implementation plan for the final Guidelines.

A. Comments on the Original Proposal

The Board received 46 individual comment letters and 281 duplicate form letters in response to the Original Proposal. Nearly all of the comment letters expressed general support for the Proposed Guidelines, and most letters also made recommendations for improvements. Commenters represented several types of institutions, including (1) institutions with traditional charters, such as banks and credit unions, and their trade associations; (2) institutions with novel charters, such as cryptocurrency custody banks, and their trade associations; and (3) think tanks and non-profit advocacy groups. The views expressed by the first category of commenters often conflicted with the views expressed by the second category of commenters. The duplicate form letters included recommendations that mirrored those submitted by trade associations for institutions with traditional charters, which opposed greater account access for institutions with novel charters.

Many commenters provided general comments on the Original Proposal that addressed one or more of three high-level themes: (1) policy requirements to gain access to accounts and services; (2) implementation of the Proposed Guidelines; and (3) legal eligibility for Reserve Bank accounts. Some commenters made recommendations related to the Proposed Guidelines that did not fit into these themes and are also described below. Lastly, some commenters provided responses to the specific questions posed in the Original Proposal as well as comments on specific principles in the Proposed Guidelines.

1. Policy Requirements To Gain Access to Accounts and Services

Most commenters, while supporting the Proposed Guidelines, provided recommendations for improvements to the Guidelines that, in their view, would assist the Board in achieving its stated policy goals. These recommendations to amend the Proposed Guidelines were often conflicting.

Many commenters made recommendations that would, in their view, provide an easier path for institutions, particularly those with novel charters, to successfully gain access to accounts and services. Some of these commenters recommended that the Board provide more specific requirements for access requests, so that requesting institutions, chartering authorities, and other banking regulators would have more clarity on what is required for obtaining access to accounts and services. Other commenters stated that the Proposed Guidelines may be ineffective if they are implemented in a way that subjects institutions with novel charters to restrictions that resemble regulatory requirements that do not fit their business models. While some commenters generally stated that requirements for access to accounts and services should accommodate institutions that have different levels of regulatory oversight, others suggested that the Board establish charter-specific requirements for account access. Some commenters expressed concern about the statement in the Original Proposal that ''access requests from non-federally-insured institutions may require more extensive due diligence,'' suggesting that this position would stifle innovation to the extent that it would impose stricter requirements on state-chartered institutions without federal deposit insurance. Finally, some commenters recommended that the Board could mitigate the risks posed by institutions with certain novel banking charters by allowing such institutions to maintain limited-access accounts that would provide a subset of services offered by Reserve Banks.

Many commenters, on the other hand, recommended that the Proposed Guidelines should provide a more challenging path for institutions with novel charters to gain access to accounts and services. Many of these commenters argued that the Proposed Guidelines should subject non-federally-insured institutions to the same types of requirements as apply to federally-insured depository institutions, regardless of the institution's business model. These commenters generally argued that institutions with novel charters are not subject to the same strict and costly regulations or to the same rigorous reviews as apply to traditional institutions, providing such institutions with unfair advantages over institutions with traditional charters.

[8] These revisions to Tier 2 apply only to non-federally-insured institutions chartered under federal law. Under the final Account Access Guidelines, a non-federally-insured institution chartered under state law will (consistent with the Supplemental Notice) be considered in Tier 2 if (i) the institution is subject to prudential supervision by a federal banking agency, and (ii) to the extent the institution has a holding company, that holding company is subject to Federal Reserve oversight.

[9] As described further below, the Board is making some other minor updates to Section 2 of the Account Access Guidelines, including clarifying that Edge and Agreement Corporations and U.S. branches and agencies of foreign banks would fall under a Tier 2 level of review due to Federal Reserve oversight over these institutions.

Some commenters recommended that the Proposed Guidelines include more granular and strict standards, such as explicit capital and liquidity requirements. Others recommended additional requirements for account access, such as compliance with the Community Reinvestment Act and consumer protection laws, or that Reserve Banks consider the risks from an institution's affiliate relationships and subject an institution's holding company to the Bank Holding Company Act. Still other commenters suggested that the Proposed Guidelines should require all accountholders that do not file call reports to publicly provide periodic audited financial reports so that payment system participants are better able to assess counterparty risk.

Board Response

The Board believes that the final Account Access Guidelines provide a framework that will effectively support responsible innovation and prudent risk management. The Account Access Guidelines establish a consistent, comprehensive, and transparent framework for Reserve Banks to analyze access requests on a case-by-case, risk-focused basis reflecting the institution's full risk profile (including its business model, size, complexity, and regulatory framework) and to mitigate, to the extent possible, the risks identified. Furthermore, as noted in the Original Proposal, each requesting institution's risk management and governance infrastructure is expected both to meet existing regulatory and supervisory requirements and to be sufficiently tailored to the institution's business, in the Reserve Bank's assessment, to mitigate the risks identified by the Account Access Guidelines.

As noted in the final Account Access Guidelines, a Reserve Bank may implement risk mitigants including imposing conditions or restrictions on an institution's access to accounts and services if necessary to mitigate risks set forth in the Account Access Guidelines. Reserve Banks also retain the discretion to deny a request for access to accounts and services where, in the Reserve Bank's assessment, granting access to the institution would pose risks that cannot be sufficiently mitigated.

2. Implementation of the Account Access Guidelines

Many commenters provided recommendations related to how the Proposed Guidelines will be implemented and how to promote consistency in their application by Reserve Banks. Some of these commenters asked the Board to specify the mechanism(s) by which such consistency would be achieved. Other commenters went further, suggesting that the Board should give consent and non-objection to Reserve Bank access-request determinations, or that the Board should form a centralized (*i.e.,* Board-led) evaluation committee to consider access requests. Further, several commenters suggested various avenues for increased communication from Reserve Banks about their decisions to grant or deny account requests, including publishing decisions on access requests (including any supporting analysis), maintaining an up-to-date list of all institutions that have been granted access, and formally communicating with state regulators about how the Federal Reserve views particular state charters. In addition, many commenters recommended that the Board establish timelines within which Reserve Banks must grant or deny access requests, arguing that such timeliness would provide greater transparency and give requesting institutions more clarity on the resources and time needed for the evaluation process. One commenter further argued that expectations of a lengthy review process could discourage institutions with novel charters from requesting accounts and thus discourage innovation.

Commenters expressed differing opinions on whether a Reserve Bank should conduct an independent assessment of a requestor's risk profile. Some commenters suggested that a Reserve Bank's assessment of a requestor's risk profile should defer to the primary regulator's assessment of the risks posed by the institution, while others said the Board should ensure that a Reserve Bank conduct an independent risk assessment separate from that of the institution's primary regulator. Additionally, a few commenters suggested that the Board remove language from the Proposed Guidelines that recognizes the authority granted to Reserve Banks under the Federal Reserve Act to exercise discretion in granting or denying requests for accounts and services.

Many commenters argued that the Proposed Guidelines should require ongoing review of non-federally-insured institutions, so as to appropriately monitor the risks that such institutions, and especially those with novel charters, could pose after obtaining access to accounts and services. Some commenters singled out cyber risk as a specific area for ongoing review.

Board Response

In the final Account Access Guidelines, the Board's primary goal is to establish a transparent and consistent framework for all access requests across Reserve Banks from both risk and policy perspectives. To emphasize this goal, the Board has incorporated in the introduction to the final Account Access Guidelines the expectation that Reserve Banks engage in consultation with the other Reserve Banks and the Board, as appropriate, to support consistent implementation of the Account Access Guidelines. In further support of this goal and as explained further below, the Board has adopted a new Section 2 of the Account Access Guidelines establishing a tiered review framework that provides additional guidance on the level of due diligence and scrutiny to be applied to access requests. Additionally, as noted previously, the Reserve Banks are working together, in consultation with the Board, to expeditiously develop an implementation plan for the final Guidelines.

Regarding comments to disclose information on particular requests, the Board notes that when evaluating access requests, Reserve Banks communicate directly with the requestor and, in some cases, with the institution's primary regulator, including by requesting additional information, clarifying the status of the request, and communicating any controls or limitations that might be placed on the account and services. However, the identity of institutions that maintain accounts at Reserve Banks, or that request access to accounts and services, is considered confidential business information and, as such, public disclosure of account status by the Reserve Banks would not be appropriate.[10]

The Board has also considered whether the final Account Access Guidelines should include a timeline for completing reviews of access requests by Reserve Banks. The Board believes that the nature of relevant variables in access requests—including the variety of charter types, business models, regulatory regimes, and risk profiles—precludes specification of a single timeline. The Reserve Banks face challenges in balancing the desire by requestors for a specific timeline with Reserve Banks' need to perform thorough reviews of requestors with novel, complex, or high-risk business plans, along with requestors that are subject to novel regulatory regimes.

[10] The Board notes that institutions may choose to self-publicize their account and service requests and status.

Setting a specific timeline could result in an increased number of premature or unnecessary denials of access requests in cases where the specified timeline does not allow the Reserve Banks sufficient time to understand the intricacies of the requesting institutions' risk profiles. Accordingly, the Board has not adopted a timeline expectation in the final Account Access Guidelines, but the Board has added language to emphasize the Board's expectations for Reserve Banks to coordinate in focusing on both timeliness and consistency in evaluating access requests.

The Board believes it is important that Reserve Banks evaluate both the potential risks posed by an eligible institution's access request and the potential actions to mitigate such risks. The final Account Access Guidelines emphasize that a Reserve Bank should integrate, to the extent possible, the assessments of an institution by state and/or federal supervisors into the Reserve Bank's independent assessment of the institution's risk profile. This integration will ensure that Reserve Banks use all relevant data in pursuing the goal of prudent risk management. The Board has also added language in the final Account Access Guidelines that clarifies the respective roles of the Board (Reserve Bank oversight) and the Reserve Banks (discretion in decision making) with respect to evaluating access requests.

With regard to the recommendation for ongoing review of the risks posed by non-federally-insured institutions' access to accounts and services once an access request has been granted, the Board notes that the introduction to the Account Access Guidelines includes language discussing existing condition monitoring practices. The Board believes that the Reserve Banks' existing risk-management practices sufficiently address the risks identified by these comments without the need for an explicit expectation in the Account Access Guidelines for ongoing review of non-federally-insured institutions.

3. Legal Eligibility

Some commenters requested that the Guidelines more specifically address legal eligibility for access to accounts and services. Others presented arguments about what entities are, or should be, legally eligible for access to accounts and services. Other commenters suggested that the Board should issue a moratorium on granting access requests made by institutions with novel charters until the Board clarifies legal eligibility, that the Board should publish a list of charter types already deemed to be legally eligible, or that the Board should study account access decisions by other central banks. One commenter argued that the Board should interpret the definition of a ''depository institution'' eligible for access to accounts and services as broadly as possible to support expanded access to accounts and services, which the commenter argued would support financial innovation.

Several commenters recommended that the Board should ensure that its interpretation of legal eligibility supports responsible financial innovation as stated as a policy goal of the Board. Some of these commenters recommended that the Board review legal eligibility broadly to support innovation and expand eligibility. One commenter recommended that the Board decouple legal eligibility for a Reserve Bank account from eligibility for direct access to Federal Reserve financial services. The commenter argued that decoupling direct access to services from eligibility for accounts would have benefits for consumers and pointed to other countries which have taken such action.

Board Response

As the Board noted in the Original Proposal, it has been considering whether it may be useful to clarify the interpretation of legal eligibility under the Federal Reserve Act for access to accounts and services. After a careful analysis of this issue, the Board has determined it is not necessary to do so at this time. The Account Access Guidelines do not establish a legal eligibility standard, but the first principle clearly states that institutions must be eligible under the Federal Reserve Act or other federal statute to maintain an account at a Reserve Bank. The Board believes this provides sufficient clarity on what entities may legally request access to account and services, and the Reserve Banks will continue to assess an institution's legal eligibility under Principle 1 on a case-by-case basis to ensure that only entities that are legally eligible may request to obtain such access.[11]

The Board notes that the purpose of the Account Access Guidelines is to ensure that Reserve Banks evaluate a transparent and consistent set of risk-focused factors when reviewing account requests. The Board is not expanding (or limiting) the types of institutions that legally may request access to Reserve Bank accounts and services.

4. Additional Comments

A. Comments Supporting a Ban on Novel Charter Account Access

Some commenters suggested that novel charters mix commercial and financial activities and provide a ''back door entry'' into banking for commercial entities. These commenters recommended that the Federal Reserve not grant access requests from institutions with novel charters.

Board Response

The Board does not believe that it is appropriate to categorically exclude all novel charters from access to accounts and services. The Account Access Guidelines as adopted are intended to be applied by Reserve Banks to access requests from eligible institutions with both novel and more traditional charters. The Board believes that the final Account Access Guidelines will provide a robust framework for analyzing and mitigating risks.

B. Comments Opposing the Proposed Guidelines

While most commenters supported the Original Proposal, three commenters opposed the Proposed Guidelines entirely. One of these commenters argued the Guidelines created opacity in the master account process, not clarity. Two other commenters opposed the Proposal because, in their view, the Proposed Guidelines would expand access to accounts and services to institutions with novel business models that pose high levels of risk to the payments and banking system.[12]

Board Response

The Board believes that the final Account Access Guidelines provide greater transparency and clarity than currently exist on the factors that Reserve Banks should consider in evaluating access requests. The Board also believes that the final Account Access Guidelines strike an appropriate balance between providing transparency and allowing for implementation of the Guidelines across a variety of potential institutions that may request accounts (*e.g.,* institutions with differing charter types, business models, or regulatory regimes). The Board believes that the final Account Access Guidelines create a structured and sufficiently transparent framework that will help to foster a

[11] While Reserve Banks exercise decision-making authority with respect to access requests, the Board has interpretive authority with respect to the Federal Reserve Act and thus is responsible for interpreting the provisions of the Act concerning legal eligibility.

[12] Many of these commenters pointed to ''fintech'' related business models and other novel special purpose charters as posing heightened risk to the payment system and financial markets.

consistent evaluation of access requests across all twelve Reserve Banks and will benefit the financial system broadly.

In response to the comments related to expansion of eligibility, the Board emphasizes that, as noted previously, the Account Access Guidelines do not establish legal eligibility standards but instead establish a risk-focused framework for evaluating access requests from legally eligible institutions under federal law.

C. Comments on Individual Principles

The Board received some comments on individual principles in the Original Proposal. Several commenters, while on net supportive of Principle 4 (Financial Stability) and Principle 6 (Monetary Policy Implementation), suggested some refinements, including a specification that most ''traditional'' institutions, due to their business model and size, would not create risks to financial stability and/or monetary policy implementation. Other commenters interpreted Principle 6 to suggest that Reserve Banks, rather than the Board, have the authority to establish the rate of interest on reserve balances (IORB). A few commenters expressed concern that these principles would be challenging to assess. Within this group, one commenter opined that the Board should adapt its monetary policy practices to the economic reality created by a competitive market rather than embed a monetary policy principle in the Guidelines. Finally, many commenters commended the Board for addressing these topics in the Guidelines; some of these commenters asked the Board to expand its discussion of the potential negative effects that granting account access to institutions with novel charters could have on financial stability and monetary policy implementation.

Board Response

The Board recognizes the concerns raised by commenters that the principles focused on financial stability and monetary policy implementation deal with complex topics requiring levels of analysis and precision that may be challenging to address. For instance, it will be difficult to forecast how granting account access to a requesting institution would affect the level and variability of the demand for and supply of reserves balances—which is important to monetary policy implementation. However, the Federal Reserve is able to estimate the potential risk posed by a requestor (such as the risk that an institution might have large, unpredictable swings in its account balance) and whether existing tools can adequately mitigate those risks. The Board also recognizes that some smaller institutions with traditional charters would likely not create risks to financial stability or monetary policy implementation. Nevertheless, the Board has determined that both the financial stability principle and the monetary policy principle should remain in the final Account Access Guidelines, because they provide full transparency to the public on the types of factors Reserve Banks should consider in evaluating access requests. In addition, the Board has amended a footnote in the Account Access Guidelines to delete the language that a few commenters interpreted to suggest that Reserve Banks have the authority to establish the IORB rate.

D. *Comments on Specific Questions*

As noted previously, the Original Proposal posed three specific questions and an additional open-ended question to the public.

a. Question 1

The Board asked whether the principles in the Proposed Guidelines address all the risks that would be relevant to the Federal Reserve's policy goals. Commenters generally agreed that the risks identified in the Proposed Guidelines are relevant for the Reserve Banks to consider when evaluating access requests. Many commenters raised concerns, however, regarding the ability of Reserve Banks to mitigate these risks in the case of institutions with novel charters that are not subject to regulatory and supervisory oversight that is similar to that applied to federally-insured institutions. Some commenters suggested that the Proposed Guidelines should put greater emphasis on consumer protection, particularly consumer privacy, and on cybersecurity risks.

Board Response

The Board notes that cybersecurity risk is included in Principle 2 (Risk to the Reserve Bank) and Principle 3 (Risk to the Payment System) of the final Account Access Guidelines as a factor that Reserve Banks should consider in their review of account requests. The Board also notes that, while the Account Access Guidelines do not specify consumer protection as an account-related risk, Principle 1 (Legal Eligibility) provides that Reserve Banks should assess the extent to which an institution's activities and services comply with applicable laws and regulations, including those that address consumer protection. Lastly, Section 2 of the final Account Access Guidelines (discussed further below) provides additional guidance on the level of due diligence expected by Reserve Banks for requests from institutions that are not subject to regulatory and supervisory oversight similar to that applied to federally-insured institutions.

b. Question 2

The Board asked whether the level of specificity in each principle provides sufficient clarity and transparency about how the Reserve Banks will evaluate requests. Many commenters addressing Question 2 recommended that the Board add more detail to the Proposed Guidelines to increase the level of clarity and transparency.

Board Response

The Board's response to these comments is described in Section II.A.

c. Question 3

The Board asked whether the principles support responsible financial innovation. Several commenters stated that the Proposed Guidelines achieve a balance between supporting responsible financial innovation and managing the identified risks by allowing for flexibility to accommodate different business models. Other commenters expressed concern, however, that the implementation of the Proposed Guidelines could stifle innovation if institutions were forced to comply with rules and regulations that do not make sense for their business model, size, or complexity.

Board Response

The Board believes the final Account Access Guidelines support risk-focused, case-by-case review by Reserve Banks of access requests. As such, the Board believes the Account Access Guidelines support responsible innovation by balancing the provision of accounts and services to a wide range of institutions on the one hand and managing risks related to such access on the other. This is discussed in more detail in Section II.A.

d. Question 4

The Board also requested comment on whether the Board or the Reserve Banks should consider other steps or actions to facilitate the review of access requests in a consistent and equitable manner. As noted previously, commenters provided a wide range of comments that recommended potential improvements to the Account Access Guidelines to enhance their effectiveness.

Board Response

The Board addressed these comments in Section II.A–C.

E. *Technical Changes*

Principle 5 in the Account Access Guidelines addresses the risks to the overall economy. While the Board did not receive specific comments on Principle 5, it has made minor technical changes to the language to ensure the clarity and accuracy of the discussions of institutions' Bank Secrecy Act/Anti-Money Laundering (BSA/AML) and Office of Foreign Assets Control (OFAC) requirements and compliance programs. The Board has also made other minor technical edits to enhance the clarity of the Guidelines (*e.g.,* replacing the term ''factors'' with ''principles'' for consistency and clarifying the risk-free nature of Reserve Bank balances).

B. Comments on the Supplemental Notice

The Board received 24 comment letters on the Supplemental Notice. While most commenters generally expressed support for the proposed tiering framework, four commenters objected to the manner in which the proposed tiering framework would treat certain state-chartered institutions. A different group of commenters supported the tiering framework and called for heightened scrutiny of non-federally-insured depository institutions that request Reserve Bank accounts. Many commenters reiterated the comments that they previously submitted on the Original Proposal.[13] In particular, a number of commenters recommended that non-federally-insured institutions, particularly those in Tier 3, not be granted access to Reserve Bank accounts and services. Additionally, one commenter, who supported the tiering framework generally, objected to Reserve Banks subjecting institutions with existing accounts to what the commenter termed ''new standards'' once the Board's Proposed Guidelines are made final.

1. Treatment of State-Chartered Institutions

Four commenters objected to the manner in which the proposed tiering framework would treat certain state-chartered institutions. These commenters principally argued that the proposed tiering framework would (1) result in disparate treatment of non-federally-insured institutions with state charters as compared to those with federal charters; (2) undermine the dual banking system; and (3) ignore the strong prudential regulation that some states have in place for non-federally-insured institutions.

Broadly, this group of commenters focused their concerns on the placement of depository institutions in proposed Tier 2 and Tier 3 while noting that they viewed Tier 1 as proposed as equitable and non-problematic. In particular, these commenters expressed concerns that non-federally-insured national trust banks (NTBs) chartered by the Office of the Comptroller of the Currency (OCC) would receive preferential treatment under the proposed guidelines and asserted that many state-chartered trusts are subject to robust prudential regulations. They further argued that the tiering framework erroneously implies that NTBs are subject to a similar set of regulations as federally-insured institutions. Two of the commenters further stated that their respective state-chartered trust banks are subject to robust regulation and supervision and suggested that these institutions should be subject to a less strict level of review than the Board proposed.

Relatedly, these commenters argued that the proposed tiering framework would introduce a bias in favor of federally-chartered institutions compared to state-chartered institutions. They argued that the tiering framework as proposed would result in an uneven playing field that would undermine the dual banking system. One of the commenters recommended that the Board revise the Proposed Guidelines to ensure that access to Reserve Bank accounts and services be afforded to eligible institutions on an equitable and impartial basis, regardless of whether they are state-chartered or federally-chartered.

Lastly, these commenters objected to language in proposed Tier 3 that might imply that state banking authorities' supervision is weaker than that of federal banking authorities. These commenters point to the robust regulatory standards and close supervision that states have had in place for many years for non-federally-insured institutions. One of the commenters also noted that state regulators work closely with their Reserve Bank on the supervision of state member banks.

One of the commenters recommended that the Account Access Guidelines should not have a tiering framework but, alternatively, that Reserve Banks should review access requests by applying an activity and risk lens to access requests. A different commenter recommended that the tiering framework should focus on an institution's past performance as a key criterion for determining whether it is included in Tier 2 or Tier 3.

Other commenters on the Supplemental Notice supported the tiering framework as proposed, noting that it provides additional transparency and clarity on the level of review an access request would receive based on key characteristics. One commenter noted that the tiering framework would help an institution requesting access understand Reserve Bank expectations and take steps to demonstrate that appropriate risk management policies and safeguards are in place.

Board Response

The Board has reviewed the comments provided and revised its approach to Tiers 2 and 3 in the final Account Access Guidelines. Specifically, the Board has made certain changes in Section 2 of the final Account Access Guidelines to provide more comparable treatment between non-federally-insured institutions chartered under state and federal law. As discussed above, the Board has modified Tier 2 to include a narrower set of non-federally-insured national banks than proposed in the Supplemental Notice. Under the revised Tier 2, a non-federally-insured institution chartered under federal law will be considered in Tier 2 only if the institution has a holding company that is subject to Federal Reserve oversight. In addition, a non-federally-insured institution chartered under state law will (as proposed in the Supplemental Notice) be considered in Tier 2 if (i) the institution is subject (by statute) to prudential supervision by a federal banking agency, and (ii) to the extent the institution has a holding company, that holding company is subject to Federal Reserve oversight (by statute or commitments).[14]

The Board believes it is appropriate to subject non-federally-insured institutions that the Federal Reserve supervises to an intermediate level of review under Tier 2, as the Reserve Banks already have supervisory information about, as well as regulatory authority over, such institutions and understands their risk profiles. Tier 3 will contain all other non-federally-insured institutions.

In addition, the Board has made minor updates to the proposed tiering framework to emphasize that the review

[13] For example, many commenters restated comments relating to legal eligibility for accounts and services, while other commenters restated their comment suggesting that non-federally-insured institutions should receive accounts and services only if they are subject to the same regulatory framework as federally-insured institutions. The Board addressed these comments in Section II.A, *supra.*

[14] In practice, non-federally-insured institutions that are chartered under state law are subject to prudential supervision by the Board if they become members of the Federal Reserve System.

of institutions' requests would be completed on a case-by-case, risk-focused basis within the three tiers, meaning that, within each tier, institutions with high-risk business models should be subject to more intensive review than those with lower-risk business models.

Lastly, in response to concerns raised by some comments that the language in the description of Tier 3 implies that supervision conducted by state banking authorities is broadly weaker than federal supervision, the Board has removed references to ''supervisory'' differences in the description of Tier 3.

2. Non-Federally-Insured Institutions

Several commenters expressed views that non-federally-insured institutions as a class pose an unacceptable level of risk to the payment system and financial markets. While some of these commenters directed their comments towards institutions in both Tiers 2 and 3, some focused solely on institutions in Tier 3. These commenters expressed a view that these institutions are not subject to sufficient regulation and as a result the Reserve Banks should not provide access to Tier 3 institutions or to non-federally-insured institutions more broadly.

Board Response

The Board does not believe that it is appropriate to categorically exclude all Tier 3 or non-federally-insured institutions from access to accounts and services. The Board believes that Tier 2 and 3 institutions represent a wide range of risk profiles (based on business model, size, complexity, regulatory framework, and other factors), and therefore a single response to account requests from this heterogenous group would not be appropriate. The Account Access Guidelines as adopted are intended to be applied by Reserve Banks to access requests from eligible institutions and the Board believes that the final Account Access Guidelines will provide a robust framework for analyzing and mitigating risks.

3. New standards

One commenter objected to Reserve Banks subjecting institutions with existing accounts to what the commenter termed ''new standards'' once the Board's Proposed Guidelines are made final.

Board Response

The Board has developed the Proposed Guidelines, in part, to increase the level of transparency and consistency of the process used by Reserve Banks to evaluate institutions' access to Reserve Bank accounts and services. As noted above, the Proposed Guidelines are informed by and incorporate, where possible, existing Reserve Bank risk-management practices. As a result, the Board views the final Account Access Guidelines as an evolution of existing practices rather than the creation of ''new standards.'' Additionally, the Board believes that in order for the Proposed Guidelines to be an effective risk-mitigation tool they should be applied broadly including to existing accounts. This view is supported by public comments on the Original Proposal discussed above. The Board expects that any Reserve Bank reevaluation of the risk of an institution's existing account will include discussions with the institution and its regulators.

III. Conclusion

For the reasons set forth above, the Board is adopting final Account Access Guidelines.

[This item will not publish in the Code of Federal Regulations]

IV. Account Access Guidelines

Guidelines Covering Access to Accounts and Services at Federal Reserve Banks (Account Access Guidelines)

Section 1: Principles

The Board of Governors of the Federal Reserve System (Board) has adopted account access guidelines comprised of six principles to be used by Federal Reserve Banks (Reserve Banks) in evaluating requests for master accounts and access to Reserve Bank financial services (access requests).[1,2] The Board has issued these account access guidelines under its general supervision authority over the operations of the Reserve Banks, 12 U.S.C. 248(j). Decisions on individual requests for access to accounts and services are made by the Reserve Bank in whose District the requestor is located.

The Account Access Guidelines apply to requests from all institutions that are legally eligible to receive an account or services, as discussed in more detail in the first principle.[3] The Board expects the Reserve Banks to engage in consultation with each other and the Board, as appropriate, on reviews of account and service requests, as well as ongoing monitoring of accountholders, to ensure that the guidelines are implemented in a consistent and timely manner. The Board believes it is important to make clear that legal eligibility does not bestow a right to obtain an account and services. While decisions regarding individual access requests remain at the discretion of the individual Reserve Banks, the Board believes it is important that the Reserve Banks apply a consistent set of guidelines when reviewing such access requests to promote consistency across Reserve Banks and to facilitate equitable treatment across institutions.

These Account Access Guidelines also serve to inform requestors of the factors that a Reserve Bank will review in any access request and thereby allow a requestor to make any enhancements to its risk management, documentation, or other practices to attempt to demonstrate how it meets each of the principles.

These guidelines broadly outline considerations for evaluating access requests but are not intended to provide assurance that any specific institution will be granted an account and services. The individual Reserve Bank will evaluate each access request on a case-by-case basis. When applying these account access guidelines, the Reserve Bank should factor, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent analysis of the institution's risk profile. The evaluation of an institution's access request should also consider whether the request has the potential to set a precedent that could affect the Federal Reserve's ability to achieve its policy goals now or in the future.

If the Reserve Bank decides to grant an access request, it may impose (at the time of account opening, granting access to service, or any time thereafter) obligations relating to, or conditions or limitations on, use of the account or services as necessary to limit operational, credit, legal, or other risks posed to the Reserve Banks, the payment system, financial stability or the implementation of monetary policy

[1] As discussed in the Federal Reserve's Operating Circular No. 1, an institution has the option to settle its Federal Reserve financial services transactions in its master account with a Reserve Bank or in the master account of another institution that has agreed to act as its correspondent. These principles apply to requests for either arrangement.

[2] Reserve Bank financial services mean all services subject to Federal Reserve Act section 11A (''priced services'') and Reserve Bank cash services. Financial services do not include transactions conducted as part of the Federal Reserve's open market operations or administration of the Reserve Banks' Discount Window.

[3] These principles would not apply to accounts provided under fiscal agency authority or to accounts authorized pursuant to the Board's Regulation N (12 CFR 214), joint account requests, or account requests from designated financial market utilities, since existing rules or policies already set out the considerations involved in granting these types of accounts.

or to address other considerations.[4] The account-holding Reserve Bank may, at its discretion, decide to place additional risk management controls on the account and services, such as real-time monitoring of account balances, as it may deem necessary to mitigate risks. If the obligations, limitations, or controls are ineffective in mitigating the risks identified or if the obligations, limitations, or controls are breached, the account-holding Reserve Bank may further restrict the institution's use of accounts and services or may close the account. Establishment of an account and provision of services by a Reserve Bank under these guidelines is not an endorsement or approval by the Federal Reserve of the institution. Nothing in the Board's guidelines relieves any institution from compliance with obligations imposed by the institution's supervisors and regulators.

Accordingly, Reserve Banks should evaluate how each institution requesting access to an account and services will meet the following principles.[5] Each principle identifies factors that Reserve Banks should consider when evaluating an institution against the specific risk targeted by the principle (several factors are pertinent to more than one principle).

The identified factors are commonly used in the regulation and supervision of federally-insured institutions. As a result, the Board anticipates the application of the account access guidelines to access requests by federally-insured institutions will be fairly straightforward in most cases which is consistent with Section 2 of these Guidelines. However, Reserve Bank assessments of access requests from non-federally-insured institutions may require more extensive due diligence. Reserve Banks monitor and analyze the condition of institutions with access to accounts and services on an ongoing basis. Reserve Banks should use the guidelines to re-evaluate the risks posed by an institution in cases where its condition monitoring and analysis indicate potential changes in the risk profile of an institution, including a significant change to the institution's business model.

1. Each institution requesting an account or services must be eligible under the Federal Reserve Act or other federal statute to maintain an account at a Federal Reserve Bank (Reserve Bank) and receive Federal Reserve services and should have a well-founded, clear, transparent, and enforceable legal basis for its operations.[6]

a. Unless otherwise specified by federal statute, only those entities that are member banks or meet the definition of a depository institution under section 19(b) of the Federal Reserve Act are legally eligible to obtain Federal Reserve accounts and financial services.[7]

b. The Reserve Bank should assess the consistency of the institution's activities and services with applicable laws and regulations, such as Article 4A of the Uniform Commercial Code and the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq). The Reserve Bank should also consider whether the design of the institution's services would impede compliance by the institution's customers with U.S. sanctions programs, Bank Secrecy Act (BSA) and anti-money laundering (AML) requirements or regulations, or consumer protection laws and regulations.

2. Provision of an account and services to an institution should not present or create undue credit, operational, settlement, cyber or other risks to the Reserve Bank.

a. The Reserve Bank should incorporate, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent assessment of the institution's risk profile.

b. The Reserve Bank should confirm that the institution has an effective risk management framework and governance arrangements to ensure that the institution operates in a safe and sound manner, during both normal conditions and periods of idiosyncratic and market stress.

i. For these purposes, effective risk management includes having a robust framework, including policies, procedures, systems, and qualified staff, to manage applicable risks. The framework should at a minimum identify, measure, and control the particular risks posed by the institution's business lines, products and services. The effectiveness of the framework should be further supported by internal testing and internal audit reviews.

ii. The framework should be subject to oversight by a board of directors (or similar body) as well as oversight by state and/or federal banking supervisor(s).

iii. The framework should clearly identify all risks that may arise related to the institution's business (*e.g.,* legal, credit, liquidity, operational, custody, investment) as well as objectives regarding the risk tolerances for the management of such risks.

c. The Reserve Bank should confirm that the institution is in substantial compliance with its supervisory agency's regulatory and supervisory requirements.

d. The institution must, in the Reserve Bank's judgment:

i. Demonstrate an ability to comply, were it to obtain a master account, with Board orders and policies, Reserve Bank agreements and operating circulars, and other applicable Federal Reserve requirements.

ii. Be in sound financial condition, including maintaining adequate capital to continue as a going concern and to meet its current and projected operating expenses under a range of scenarios.

iii. Demonstrate the ability, on an ongoing basis (including during periods of idiosyncratic or market stress), to meet all of its obligations in order to remain a going concern and comply with its agreement for a Reserve Bank account and services, including by maintaining:

A. Sufficient liquid resources to meet its obligations to the Reserve Bank under applicable agreements, operating circulars, and Board policies;

B. The operational capacity to ensure that such liquid resources are available to satisfy all such obligations to the Reserve Bank on a timely basis; and

C. Settlement processes designed to appropriately monitor balances in its Reserve Bank account on an intraday basis, to process transactions through its account in an orderly manner and maintain/achieve a positive account balance before the end of the business day.

[4] The conditions imposed could include, for example, establishing a cap on the amount of balances held in the account. In addition, the Board may authorize a Reserve Bank to pay a different rate of interest on balances held in the account or may limit the amount of balances in the account that receive interest.

[5] The principles are designed to address risks posed by an institution having access to an account and services, ranging from narrow risks (*e.g.,* to an individual Reserve Bank) to broader risks (*e.g.,* to the overall economy). Review activities performed by the Reserve Bank may address several principles at once.

[6] These principles do not apply to accounts and services provided by a Reserve Bank (i) as depository and fiscal agent, such as those provided for the Treasury and for certain government-sponsored entities (12 U.S.C. 391, 393–95, 1823, 1435), (ii) to certain international organizations (22 U.S.C. 285d, 286d, 290o–3, 290i–5, 290l–3), (iii) to designated financial market utilities (12 U.S.C. 5465), (iv) pursuant to the Board's Regulation N (12 CFR 214), or (v) pursuant to the Board's Guidelines for Evaluating Joint Account Requests.

[7] Unless otherwise expressly excluded under the previous footnote, these principles apply to account requests from all institutions, including member banks or other entities that meet the definition of a depository institution under section 19(b) (12 U.S.C. 461(b)(1)(A)), as well as Edge and Agreement Corporations (12 U.S.C. 601–604a, 611–631), and U.S. branches and agencies of foreign banks (12 U.S.C. 347d).

iv. Have in place an operational risk framework designed to ensure operational resiliency against events associated with processes, people, and systems that may impair the institution's use and settlement of Reserve Bank services. This framework should consider internal and external factors, including operational risks inherent in the institution's business model, risks that might arise in connection with its use of any Reserve Bank account and services, and cyber-related risks. At a minimum, the operational risk framework should:

A. Identify the range of operational risks presented by the institution's business model (*e.g.,* cyber vulnerability, operational failure, resiliency of service providers), and establish sound operational risk management objectives to address such risks;

B. Establish sound governance arrangements, rules, and procedures to oversee and implement the operational risk management framework;

C. Establish clear and appropriate rules and procedures to carry out the risk management objectives;

D. Employ the resources necessary to achieve its risk management objectives and implement effectively its rules and procedures, including, but not limited to, sound processes for physical and information security, internal controls, compliance, program management, incident management, business continuity, audit, and well-qualified personnel; and

E. Support compliance with the electronic access requirements, including security measures, outlined in the Reserve Banks' Operating Circular 5 and its supporting documentation.

3. Provision of an account and services to an institution should not present or create undue credit, liquidity, operational, settlement, cyber or other risks to the overall payment system.

a. The Reserve Bank should incorporate, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent assessment of the institution's risk profile.

b. The Reserve Bank should confirm that the institution has an effective risk management framework and governance arrangements to limit the impact that idiosyncratic stress, disruptions, outages, cyber incidents, or other incidents at the institution might have on other institutions and the payment system broadly. The framework should include:

i. Clearly defined operational reliability objectives and policies and procedures in place to achieve those objectives.

ii. A business continuity plan that addresses events that have the potential to disrupt operations and a resiliency objective to ensure the institution can resume services in a reasonable timeframe.

iii. Policies and procedures for identifying risks that external parties may pose to sound operations, including interdependencies with affiliates, service providers, and others.

c. The Reserve Bank should identify actual and potential interactions between the institution's use of a Reserve Bank account and services and (other parts of) the payment system.

i. The extent to which the institution's use of a Reserve Bank account and services might restrict funds from being available to support the liquidity needs of other institutions should also be considered.

d. The institution must, in the Reserve Bank's judgment:

i. Be in sound financial condition, including maintaining adequate capital to continue as a going concern and to meet its current and projected operating expenses under a range of scenarios.

ii. Demonstrate the ability, on an ongoing basis (including during periods of idiosyncratic or market stress), to meet all of its obligations in order to remain a going concern and comply with its agreement for a Reserve Bank account and services, including by maintaining:

A. Sufficient liquid resources to meet its obligations to the Reserve Bank under applicable agreements, Operating Circulars, and Board policies;

B. The operational capacity to ensure that such liquid resources are available to satisfy all such obligations to the Reserve Bank on a timely basis; and

C. Settlement processes designed to appropriately monitor balances in its Reserve Bank account on an intraday basis, to process transactions through its account in an orderly manner and maintain/achieve a positive account balance before the end of the business day.

iii. Have in place an operational risk framework designed to ensure operational resiliency against events associated with processes, people, and systems that may impair the institution's payment system activities. This framework should consider internal and external factors, including operational risk inherent in the institution's business model, risk that might arise in connection with its use of the payment system, and cyber-related risks. At a minimum, the framework should:

A. Identify the range of operational risks presented by the institution's business model (*e.g.,* cyber vulnerability, operational failure, resiliency of service providers), and establish sound operational risk management objectives;

B. Establish sound governance arrangements, rules, and procedures to oversee the operational risk management framework;

C. Establish clear and appropriate rules and procedures to carry out the risk management objectives;

D. Employ the resources necessary to achieve its risk management objectives and implement effectively its rules and procedures, including, but not limited to, sound processes for physical and information security, internal controls, compliance, program management, incident management, business continuity, audit, and well-qualified personnel.

4. Provision of an account and services to an institution should not create undue risk to the stability of the U.S. financial system.

a. The Reserve Bank should incorporate, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent assessment of the institution's risk profile.

b. The Reserve Bank should determine, in consultation with the other Reserve Banks and Board as appropriate, whether the access to an account and services by an institution itself or a group of like institutions could introduce financial stability risk to the U.S. financial system.

c. The Reserve Bank should confirm that the institution has an effective risk management framework and governance arrangements for managing liquidity, credit, and other risks that may arise in times of financial or economic stress.

d. The Reserve Bank should consider the extent to which, especially in times of financial or economic stress, liquidity or other strains at the institution may be transmitted to other segments of the financial system.

e. The Reserve Bank should consider the extent to which, especially during times of financial or economic stress, access to an account and services by an institution itself (or a group of like institutions) could affect deposit balances across U.S. financial institutions more broadly and whether any resulting movements in deposit balances could have a deleterious effect on U.S. financial stability.

i. Balances held in Reserve Bank accounts present no credit or liquidity risk, making them very attractive in times of financial or economic stress. As

a result, in times of stress, investors that would otherwise provide short- term funding to nonfinancial firms, financial firms, and state and local governments could rapidly withdraw that funding and instead deposit their funds with an institution holding mostly central bank balances. If the institution is not subject to capital requirements similar to a federally-insured institution, it can more easily expand its balance sheet during times of stress; as a result, the potential for sudden and significant deposit inflows into that institution is particularly large, which could disintermediate other parts of the financial system, greatly amplifying stress.

5. Provision of an account and services to an institution should not create undue risk to the overall economy by facilitating activities such as money laundering, terrorism financing, fraud, cybercrimes, economic or trade sanctions violations, or other illicit activity.

a. The Reserve Bank should incorporate, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent assessment of the institution's risk profile.

b. The Reserve Bank should confirm that the institution has a BSA/AML compliance program consisting of the components set out below and in relevant regulations.[8]

i. For these purposes, the Reserve Bank should confirm that the institution's BSA/AML compliance program contains the following elements.[9]

A. A system of internal controls, including policies and procedures, to ensure ongoing BSA/AML compliance;

B. Independent audit and testing of BSA/AML compliance to be conducted by bank personnel or by an outside party;

C. Designation of an individual or individuals responsible for coordinating and monitoring day-to-day compliance (BSA compliance officer);

D. Ongoing training for appropriate personnel, tailored to each individual's specific responsibilities, as appropriate;

E. Appropriate risk-based procedures for conducting ongoing customer due diligence to include, but not limited to, understanding the nature and purpose of customer relationships for the purpose of developing a customer risk profile and conducting ongoing monitoring to identify and report suspicious transactions and, on a risk basis, to maintain and update customer information;

c. The Reserve Bank should confirm that the institution has a compliance program designed to support its compliance with the Office of Foreign Assets Control (OFAC) regulations at 31 CFR Chapter V.[10]

i. For these purposes, the Reserve Bank may review the institution's written OFAC compliance program, provided one has been created, and confirm that it is commensurate with the institution's OFAC risk profile. An OFAC compliance program should identify higher-risk areas, provide for appropriate internal controls for screening and reporting, establish independent testing for compliance, designate a bank employee or employees as responsible for OFAC compliance, and create a training program for appropriate personnel in all relevant areas of the institution.

6. Provision of an account and services to an institution should not adversely affect the Federal Reserve's ability to implement monetary policy.

a. The Reserve Bank should incorporate, to the extent possible, the assessments of an institution by state and/or federal supervisors into its independent assessment of the institution's risk profile.

b. The Reserve Bank should determine, in consultation with the other Reserve Banks and the Board as appropriate, whether access to an account and services by an institution itself or a group of like institutions could have an effect on the implementation of monetary policy.

c. The Reserve Bank should consider, among other things, whether access to a Reserve Bank account and services by the institution or group of like institutions could affect the level and variability of the demand for and supply of reserves, the level and volatility of key policy interest rates, the structure of key short-term funding markets, and on the overall size of the consolidated balance sheet of the Reserve Banks. The Reserve Bank should consider the implications of providing an account to the institution in normal times as well as in times of stress. This consideration should occur regardless of the current monetary policy implementation framework in place.

Section 2: Tiered Review Framework

The tiered review framework in this section is meant to serve as a guide to the level of due diligence and scrutiny to be applied by Reserve Banks to different types of institutions. Although institutions in a higher tier will on average face greater due diligence and scrutiny than institutions in a lower tier, a Reserve Bank has the authority to grant or deny an access request by an institution in any of the three proposed tiers, based on the Reserve Bank's application of the Account Access Guidelines in Section 1 to that particular institution. As discussed above, an institution's access request will be reviewed on a case-by-case, risk-focused basis and the tiers are designed to provide additional transparency into the expected review process based on key characteristics.

1. Tier 1: Eligible institutions that are federally insured.[11]

a. As federally-insured depository institutions, Tier 1 institutions are already subject to a standard, strict, and comprehensive set of federal banking regulations.

b. In addition, for most Tier 1 institutions, detailed regulatory and financial information would in most cases be readily available, often in public form.

c. Accordingly, access requests by Tier 1 institutions will generally be subject to a less intensive and more streamlined review.

d. In cases where the application of the Guidelines to Tier 1 institutions identifies potentially higher risk profiles, the institutions will receive additional attention.

2. Tier 2: Eligible institutions that are not federally insured but are subject (by statute) to prudential supervision by a federal banking agency.[12] In addition, (i) if such an institution is chartered under federal law, it has a holding company that is subject to Federal Reserve oversight (by statute or commitments); and (ii) if such an institution is

[8] Refer to 12 CFR 208.62 and 63, 12 CFR 211.5(k), 5(m), 24(f), and 24(j), and 12 CFR 225.4(f) (Federal Reserve); 12 CFR 326.8 and 12 CFR part 353 (FDIC); 12 CFR 748.1–2 (NCUA); 12 CFR 21.11, and 21, and 12 CFR 163.180 (OCC); and 31 CFR 1020.210(a) and (b), and 31 CFR 1020.320 (FinCEN), which are controlling.

[9] Reserve Banks may reference the FFIEC BSA/AML Manual. These guidelines may be updated to reflect any changes to relevant regulations.

[10] Reserve Banks may reference the OFAC section of the FFIEC BSA/AML Manual. These guidelines may be updated to reflect any changes to relevant regulations.

[11] See 12 U.S.C. 1813(c)(2) (defining ''insured depository institution'' for purposes of the Federal Deposit Insurance Act) and 12 U.S.C. 1752(7) (defining ''insured credit union'' for purposes of the Federal Credit Union Act).

[12] The federal banking agencies include the Board, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation, and the National Credit Union Administration. Non-federally-insured institutions that are chartered under federal law are subject to prudential supervision by the OCC. Non-federally-insured institutions that are chartered under state law are subject to prudential supervision by the Board if they become members of the Federal Reserve System.

chartered under state law and has a holding company, that holding company is subject to Federal Reserve oversight (by statute or commitments).[13]

a. Tier 2 institutions are subject to a similar, but not identical, set of regulations as federally-insured institutions. As a result, Tier 2 institutions may still present greater risks than Tier 1 institutions.

b. Reserve Banks will have significant supervisory information about, as well as some level of regulatory authority over, Tier 2 institutions.

c. Accordingly, account access requests by Tier 2 institutions will generally receive an intermediate level of review.

3. Tier 3: Eligible institutions that are not federally insured and are not considered in Tier 2.

a. Non-federally-insured institutions that are chartered under federal law but do not have a holding company subject to Federal Reserve oversight would be considered in Tier 3.

b. Non-federally-insured institutions that are chartered under state law and are not subject (by statute) to prudential supervision by a federal banking agency, or have a holding company that is not subject to Federal Reserve oversight, would be considered in Tier 3.

c. Tier 3 institutions may be subject to a regulatory framework that is substantially different from the regulatory framework that applies to federally-insured institutions.

d. In addition, detailed regulatory and financial information regarding Tier 3 institutions may not exist or may be unavailable.

e. Accordingly, Tier 3 institutions will generally receive the strictest level of review.

-End-

By order of the Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2022–17885 Filed 8–18–22; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than September 19, 2022.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *Luminate Capital Corporation, Minnetonka, Minnesota;* to become a bank holding company by acquiring Luminate Bank, also of Minnetonka, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–17808 Filed 8–18–22; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2022–04; Docket No. 2022–0002; Sequence No. 18]

Notice of Availability for the Draft Environmental Assessment for the Calexico West Land Port of Entry Temporary Pedestrian Process Facility Calexico, California

AGENCY: Public Buildings Service (PBS), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: This notice announces the availability, and opportunity for public review and comment of a Draft Environmental Assessment (EA), which examines the potential impacts of a proposal by GSA for construction of a temporary pedestrian processing facility adjacent to the Historic Customs House, and interior renovation of the Historic Customs House at 340 East 1st Street, Calexico, California. The facility and structures will be used by the United States Customs and Border Protection. The Draft EA describes the purpose and need for the proposed project; the alternatives considered; the potential impacts of the alternatives on the existing environment; and the proposed avoidance, minimization, and/or mitigation measures associated to these alternatives and resources.

DATES: Agencies and the public are encouraged to provide written comments on the Draft EA. The 30-day public comment period for the Draft EA ends on Monday, September 26, 2022. A virtual public meeting will be held on Tuesday, August 23, 2022, 4 p.m. to 5 p.m. Pacific standard time at: *https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODlmYmFiOWMtM2EwOS00MTVlLWJhY2EtYWZiMWJiZGYxNDdl%40thread.v2/0?context=%7b%22Tid%22%3a%228aec2bf0-04af-4841-bcf6-bac6a58dd4ef%22%2c%22Oid%22%3a%221894920d-2cd7-4a1a-aa78-0ebeddc5bdf6%22%7d.*

ADDRESSES: Further information, including an electronic copy of the Draft EA may be found online on the following website: *https://www.gsa.gov/about-us/regions/welcome-to-the-pacific-rim-region-9/land-ports-of-entry/calexico-west-land-port-of-entry.*

Questions or comments concerning the Draft EA should be directed to Osmahn Kadri, EPA Program Manager, General Services Administration via email: *osmahn.kadri@gsa.gov* or Ms. Bianca Rivera, 355 South Euclid Avenue, Suite 107, Tucson, AZ 85719 via postal mail/commercial delivery.

FOR FURTHER INFORMATION CONTACT: Mr. Osmahn A. Kadri, NEPA Program Manager, General Services Administration, Pacific Rim Region, at 415–522–3617 or email *osmahn.kadri@gsa.gov.* Please call this number if special assistance is needed to attend and participate in the public meeting.

SUPPLEMENTARY INFORMATION:

Background

The Project is located adjacent to the Historic Customs House at 340 East 1st Street, Calexico, California. The Project is proposed to provide a temporary

[13] Edge and Agreement Corporations and U.S. branches and agencies of foreign banks would fall under a Tier 2 level of review because of Federal Reserve oversight over these institutions.

pedestrian processing facility for use during the demolition of existing structures and construction of the new processing building while ensuring continued services to those utilizing the international crossing between the United States of American and Mexico. The temporary facility is anticipated to be constructed on Heffernan Road, south of East 1st street, to the west of the Historic Customs House. The facility will require the acquisition of Heffernan Road, to the south of East 1st Street. The building will be approximately 8,804 square feet and include a fire lane to the west, pedestrian ramps leading to/from the building, and pedestrian pick-up and drop-off areas at the north side of the building. The interior building will include wait areas, administrative offices, property storage interview rooms, inspection areas, processing areas, and restrooms.

This Draft Environmental Assessment was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA)(Pub. L. 91–190) and the Council on Environmental Quality Regulations implementing NEPA.

Alternatives Under Consideration

The EA will consider one Action Alternative (the Proposed Action) and the No Action Alternative. The Action Alternative would consist of the construction of the temporary processing facility and associated infrastructure. The Project is proposed to provide a temporary pedestrian processing facility for use during the demolition of existing structures and construction of the new processing building while ensuring continued services to those utilizing the international crossing between the United States of American and Mexico. The temporary facility is anticipated to be constructed on Heffernan Road, south of East 1st street, to the west of the Historic Customs House. Even though the facility is temporary, the project will require the permanent acquisition of Heffernan Road, to the south of East 1st Street, removing the parking/pick up area. The building will be approximately 8,804 square feet and include a fire lane to the west, pedestrian ramps leading to/from the building, and pedestrian pick-up and drop-off areas at the north side of the building. The interior building will include wait areas, administrative offices, property storage interview rooms, inspection areas, processing areas, and restrooms. Since the facility is temporary, there would be no change in personnel staffing at this port of entry. Construction is likely to impact parking and loading/unloading merchandise for the retail facility to the west of the proposed facility, as well as traffic flow along East 1st Street during construction.

Under the No Action Alternative the construction of the temporary facilities, construction of the ramp, and renovations within the existing Historic Customs House would not occur.

Russell Larson,

Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.

[FR Doc. 2022–17923 Filed 8–18–22; 8:45 am]

BILLING CODE 6820–YF–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) reapprove the proposed information collection project ''*Consumer Assessment of Healthcare Providers and Systems (CAHPS) Home and Community Based Services (HCBS) Survey Database.*''

DATES: Comments on this notice must be received by October 18, 2022.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

''**Consumer Assessment of Healthcare Providers and Systems (CAHPS) Home and Community Based Services (HCBS) Survey Database**''

AHRQ requests that OMB reapprove AHRQ's collection of information for the AHRQ Consumer Assessment of Healthcare Providers and Systems (CAHPS) Database for Home and Community-Based Services: OMB Control number 0935–0245, expiration October 31, 2022.

The CAHPS Home and Community-Based Services (HCBS) Survey Database consists of data from the HCBS CAHPS Survey, which is the first cross-disability survey of home and community-based service beneficiaries' experience receiving long-term services and supports. It is designed to facilitate comparisons across state Medicaid HCBS programs throughout the country that target adults with disabilities, *e.g.,* including older adults, individuals with physical disabilities, persons with developmental or intellectual disabilities, those with acquired brain injury and persons with severe mental illness.

The HCBS CAHPS Survey was developed by the Centers for Medicare & Medicaid Services (CMS) for voluntary use by state Medicaid programs, including both fee-for-service HCBS programs as well as managed long-term services and supports (MLTSS) programs. States with adequate sample sizes may consider using survey metrics in value-based purchasing initiatives.

The HCBS CAHPS Database serves as a primary source of data available to states, agency programs and researchers to help answer important questions related to beneficiary experiences. AHRQ, through its contractor, collects and makes available de-identified survey data, enabling HCBS programs to identify areas where quality can be improved.

Aggregated HCBS Database results are made publicly available on AHRQ's CAHPS website. Technical assistance is provided by AHRQ, through its contractor, at no charge to programs, to facilitate the access and use of these materials for quality improvement and research. Technical assistance is also provided to support HCBS CAHPS data submission.

The HCBS CAHPS Database supports AHRQ's goals of promoting improvements in the quality and patient-centeredness of health care in home or community-based care settings. This research has the following goals:

1. Improve care provided by individual providers and state programs.

2. Offer several products and services, including providing survey results presented through the AHRQ Data Tools website, summary chartbooks, custom analyses, private reports and data for research purposes.

3. Provide information to help identify strengths and areas with potential for improvement in patient care.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and health surveys and database development 42 U.S.C. 299a(a)(1), (2), and (8).

Method of Collection

The development and operation of the HCBS CAHPS Database will include the following major components undertaken by AHRQ through its contractor. To achieve the goals of this project, the following activities and data collections will be implemented:

- Registration with the site to obtain an account with a secure username and password: The point-of-contact (POC) completes an online registration form, providing contact and organizational information required to initiate the registration process.
- Submission of signed Data Use Agreements (DUAs) and survey questionnaires: The data use agreement completed by the participating organization provides confidentiality assurances and states how the data submitted will be used.
- Submission of program information form: The POC completes an online information form to describe organizational characteristics of the program.
- Submission of de-identified survey data files: POCs upload data files in the format specified in the data file specifications to ensure data submitted is standardized and consistently named and coded.
- Follow-up with submitters in the event of a rejected file, to assist in making corrections and resubmitting the file.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours for the respondents to participate in the database. The 51 POCs in Exhibit 1 represent the 51 states or agencies that will administer the Adult HCBS survey. An estimated thirteen survey vendors will assist them.

Each state or agency will register online for submission. The online Registration form will require about 5 minutes to complete. Each submitter will also complete a program information form of information about each program such as the name of the program, program size, state, etc. The online program information form takes on average 5 minutes to complete. The data use agreement will be completed by each of the 51 participating States. Survey vendors do not sign or submit DUAs. The DUA requires about 3 minutes to sign and return by fax or mail. Each submitter, which in most cases will be the survey vendor performing the data collection, will provide a copy of their questionnaire and the survey data file in the required file format. Survey data files must conform to the data file layout specifications provided by the HCBS CAHPS Database. Since the unit of analysis is at the program level, submitters will upload one data file per program. Once a data file is uploaded the file will be automatically checked to ensure it conforms to the specifications and a data file status report will be produced and made available to the submitter. Submitters will review each report and will be expected to correct any errors in their data file and resubmit if necessary. It will take about one hour to submit the data for each program. The total burden is estimated to be 63 hours annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCs	Number of responses per POC	Hours per response	Total burden hours
Registration Form	51	1	5/60	4.25
Program Information Form	51	1	5/60	4.25
Data Use Agreement	51	1	3/60	2.5
Data Files Submission	13	4	1	52
Total	NA	NA	NA	63

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete one submission process. The cost burden is estimated to be $3,162 annually.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Registration Form	51	4.25	[a] 57.61	$245
Program Information Form	51	4.25	[a] 57.61	245
Data Use Agreement	51	2.5	[b] 102.41	256
Data Files Submission	13	52	[c] 46.46	2416
Total	**166	63	NA	3,162

* National Compensation Survey: Occupational wages in the United States May 2021, ''U.S. Department of Labor, Bureau of Labor Statistics.''
[a] Based on the mean hourly wage for Medical and Health Services Managers (11–9111).
[b] Based on the mean hourly wage for Chief Executives (11–1011).
[c] Based on the mean hourly wages for Computer Programmers (15–1251).
** The 51 POCs listed for the registration form, program information form and the data use agreement are the estimated POCs from the estimated participating programs.

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 15, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–17848 Filed 8–18–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2022–0098; NIOSH 278]

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

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). This meeting is open to the public via virtual meeting, limited only by the number of web conference lines (500 web conference lines are available). Time will be available for public comment.

DATES: The meeting will be held on October 4, 2022, from 10:00 a.m. to 3:00 p.m., EDT.

Written comments must be received on or before September 27, 2022.

ADDRESSES: If you wish to attend the meeting, please register at the NIOSH website at *https://www.cdc.gov/niosh/bsc/* or by telephone at (202) 245–0649 no later than September 27, 2022.

You may submit comments, identified by Docket No. CDC–2022–0098; NIOSH–278, 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–2022–0098; NIOSH–278.

Instructions: All submissions received must include the Agency name and Docket Number. Docket number CDC–2022–0098; NIOSH–278 will close September 27, 2022.

FOR FURTHER INFORMATION CONTACT: Maria Strickland, M.P.H., Designated Federal Officer, BSC, NIOSH, CDC, Patriots Plaza 1, 395 E Street SW, Suite 9200, Washington, DC 20201; Telephone: (202) 245–0649; Email: *MStrickland2@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Purpose: 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.

Matters To Be Considered: The agenda for the meeting addresses health communications, updates from the National Firefighter Registry Subcommittee, progress on the NIOSH Evaluation Capacity Building Plan, and implementation science. Agenda items are subject to change as priorities dictate.

The agenda is posted on the NIOSH website at *https://www.cdc.gov/niosh/bsc/*.

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 September 27, 2022, will be provided to the Board prior to the meeting.

Oral Public Comment: The public is welcome to participate during the public comment period, from 1:00 p.m. to 1:15 p.m., EDT, October 4, 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 BSC, NIOSH are requested to contact the Designated Federal Officer for scheduling purposes (see **FOR FURTHER 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. 2022–17841 Filed 8–18–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice of a hybrid meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA or the Council) will convene the 74th full council meeting on Monday, September 19, 2022 and September 20, 2022. The meeting will convene in Los Angeles, California and it will also utilize virtual technologies. The meeting will be open to the public. Due to limited space, pre-registration is encouraged for members of the public who wish to attend the meeting in-person. Please email your name to *PACHA@hhs.gov* by close of business Friday, September 9, 2022 to pre-reigster. There will be a public comment session during the meeting; pre-registration is required to provide public comment. To pre-register to provide public comment, please send an email to *PACHA@hhs.gov* and include your name, organization, and title by close of business Friday, September 9, 2022. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *PACHA@hhs.gov* by close of business Tuesday, September 27, 2022. The meeting agenda will be posted on the PACHA page on *HIV.gov* at *https://www.hiv.gov/federal-response/pacha/about-pacha* prior to the meeting.

DATES: The meeting will be held on Monday, September 19, 2022 from approximately 4:00–10:00 p.m. (ET) and September 20, 2022 from approximately 3:30–8:00 p.m. (ET).

ADDRESSES: The meeting will be located at the Martin Luther King Jr. Outpatient Building, 1670 E 120th Street, Los Angeles, CA 90059. (The closest metro stop the Willowbrook/Rosa Parks station.) To attend the meeting virtually, please visit *www.hhs.gov/live*.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, MPA, Senior Management Analyst, at *PACHA@hhs.gov* or *Caroline.Talev@hhs.gov*. Additional information can be obtained by accessing the Council's page on the *HIV.gov* site at *www.hiv.gov/pacha*.

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996 and is currently operating under the authority given in Executive Order 14048, dated September 30, 2021. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective HIV diagnosis, treatment, prevention, and quality care services. The functions of the Council are solely advisory in nature.

The Council consists of not more than 35 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, population health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. PACHA selections also include persons with lived HIV experience and racial/ethnic and sexual and gender minority persons disproportionately affected by HIV. Council members are appointed by the Secretary.

Dated: August 9, 2022.

B. Kaye Hayes,

Deputy Assistant Secretary for Infectious Disease, Director, Office of Infectious Disease and HIV/AIDS Policy, Executive Director, Presidential Advisory Council on HIV/AIDS, Office of the Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 2022–17812 Filed 8–18–22; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders Meeting

AGENCY: White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, Office for Civil Rights, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders will hold a meeting on September 28, 2022. The meeting is the third in a series of federal advisory committee meetings regarding the development of recommendations to promote equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities. The meeting is open to the public and will be live streamed. The Commission, co-chaired by HHS Secretary Xavier Becerra and the U.S. Trade Representative Ambassador Katherine Tai, will advise the President on: the development, monitoring, and coordination of executive branch efforts to advance equity, justice, and opportunity for AA and NHPI communities in the United States, including efforts to close gaps in health, socioeconomic, employment, and educational outcomes; policies to address and end anti-Asian bias, xenophobia, racism, and nativism, and opportunities for the executive branch to advance inclusion, belonging, and public awareness of the diversity and accomplishments of AA and NHPI people, cultures, and histories; policies, programs, and initiatives to prevent, report, respond to, and track anti-Asian hate crimes and hate incidents; ways in which the Federal Government can build on the capacity and contributions of AA and NHPI communities through equitable Federal funding, grantmaking, and employment opportunities; policies and practices to improve research and equitable data disaggregation regarding AA and NHPI communities; policies and practices to improve language access services to ensure AA and NHPI communities can access Federal programs and services; and strategies to increase public-and private-sector collaboration, and community involvement in improving the safety and socioeconomic, health, educational, occupational, and environmental well-being of AA and NHPI communities.

DATES: The Commission will meet on September 28, 2022 from 9:30 a.m. to approximately 5:30 p.m. Eastern Time (ET). The confirmed time and agenda will be posted on the website for the President's Advisory Commission on Asian Americans, Native Hawaiians,

and Pacific Islanders: *https://www.hhs.gov/about/whiaanhpi/commission/index.html* when this information becomes available.

ADDRESSES: The meeting will be live streamed. Registration is required through the following link: *https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpis-registration-391779191107.*

FOR FURTHER INFORMATION CONTACT: Carol Wu, Designated Federal Officer, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, U.S. Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, Hubert H. Humphrey Building, Room 515F, 200 Independence Ave SW, Washington, DC 20201; email: *aanhpicommission@hhs.gov;* telephone: (202) 619–0403, fax: (202) 619–3818.

SUPPLEMENTARY INFORMATION: Information is available on the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders website at *https://www.hhs.gov/about/whiaanhpi/commission/index.html.* The names of the 25 members of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders are available at *https://www.hhs.gov/about/whiaanhpi/commission/commissioners/index.html.*

Purpose of Meeting: The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, authorized by Executive Order 14031, will meet to discuss full and draft recommendations by the Commission's six Subcommittees on ways to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander communities. The Subcommittees are: Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination; Data Disaggregation; Language Access; Economic Equity; Health Equity; and Immigration and Citizenship Status.

Background: Asian American, Native Hawaiian, and Pacific Islander communities are among the fastest growing racial and ethnic populations in the United States according to the U.S. Census Bureau. However, in recent years, AA and NHPI individuals have faced increasing hate crimes and incidents that threaten their safety, as well as harmful stereotypes that often ignore socioeconomic, health, and educational disparities impacting these diverse communities.

Tragic acts of anti-Asian violence increased during the COVID–19 pandemic, casting a shadow of fear and grief over many AA and NHPI communities, in particular East Asian communities. Long before this pandemic, AA and NHPI communities in the United States, including South Asian and Southeast Asian communities, have faced persistent xenophobia, religious discrimination, racism, and violence. At the same time, AA and NHPI communities are overrepresented in the pandemic's essential workforce in healthcare, food supply, education, and childcare, with more than four million AA and NHPIs manning the frontlines throughout the pandemic.

Many AA and NHPI communities, and in particular Native Hawaiian and Pacific Islander communities, have also been disproportionately burdened by the COVID–19 public health crisis. Evidence suggests that Native Hawaiians and Pacific Islanders are three times more likely to contract COVID–19 compared to white people and nearly twice as likely to die from the disease. On top of these health inequities, many AA and NHPI workers, families, and small businesses have faced devastating economic losses during this crisis, which must be addressed.

The challenges AA and NHPI communities face are often exacerbated by a lack of adequate data disaggregation and language access. The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders works to advise the President on executive branch efforts to address these challenges and advance equity, justice, and opportunity for AA and NHPI communities.

Public Participation at Meeting: Members of the public are invited to view the Commission meeting. Registration is required through the following link: *https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpis-registration-391779191107.* Please note that there will be no opportunity for oral public comments during the meeting of the Commission. However, written comments are welcomed throughout the development of the Commission's recommendations to promote equity, justice, and opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders and may be emailed to *AANHPICommission@hhs.gov.*

Authority: Executive Order 14031. The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission) is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

Krystal Ka'ai,

Executive Director, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders and President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders.

[FR Doc. 2022–17843 Filed 8–18–22; 8:45 am]

BILLING CODE 4150–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, September 15, 2022, 09:30 a.m. to September 15, 2022, 04:30 p.m., National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 29, 2021, 304881.

The meeting notice is amended to change the end time of the Open Session. The Open Session will be held on September 15, 2022, at 9:30 a.m. until 12:30 p.m. The Closed Session will still be held from 1:30 p.m. to 4:30 p.m. The meeting is partially Closed to the public.

Information is also available on the Institute's/Center's home page: *www.nigms.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

Dated: August 15, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17838 Filed 8–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; UNITE Transformative Research to Address Health Disparities and Advance Health Equity at Minority Serving Institutions (U01).

Date: September 15, 2022.

Time: 10:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 15, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17836 Filed 8–18–22; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–1 Study Section NST–1 Grant Application Review Meeting.

Date: September 12–13, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN K99.

Date: September 14, 2022.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard Rockville, MD 20852 (Virtual Meeting).

Contact Person: Lataisia Cherie Jones, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, *lataisia.jones@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; HEAL Biomarker Review Meeting.

Date: September 22, 2022.

Time: 10:00 a.m. to 12:00 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: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, *abhi.subedi@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 15, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17877 Filed 8–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, August 31, 2022, 01:00 p.m. to August 31, 2022, 04:00 p.m., National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 which was published in the **Federal Register** on August 04, 2022, 315159.

The meeting notice is amended to change the date of the meeting from August 31, 2022 to October 19, 2022. The time of the meeting will remain 1:00 p.m. to 4:00 p.m. The meeting is Closed to the public.

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

Dated: August 15, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17837 Filed 8–18–22; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Emergency Care Clinical Trials—Panel 2.

Date: August 25–26, 2022.

Time: 11:30 a.m. to 2:00 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, Rockville, MD 20852, 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 15, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17849 Filed 8–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0574]

National Maritime Security Advisory Committee; September 2022 Virtual Meetings

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee virtual meetings.

SUMMARY: The National Maritime Security Advisory Committee (Committee) will meet virtually to review and discuss on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and State, local, and tribal governments, relevant public safety and emergency response agencies, relevant law enforcement and security organizations, maritime industry, port owners and operators, and terminal owners and operators. The virtual meetings will be open to the public.

DATES:

Meetings: The Committee will meet virtually on Tuesday, September 13, 2022 from 1 p.m. until 5 p.m. Eastern Daylight Time (EDT), and on Wednesday, September 14, 2022 from 9 a.m. until noon EDT. These virtual meetings may close early if all business is finished.

Comments and supporting documentation: To ensure your comments are received by Committee members before the virtual meetings, submit your written comments no later than September 9, 2022.

ADDRESSES: To join the virtual meetings or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. EDT on September 9, 2022, to obtain the needed information. The number of virtual lines are limited and will be available on a first-come, first-served basis.

The National Maritime Security Advisory Committee is committed to ensuring all participants have equal access regardless of disability status. If you require reasonable accommodations due to a disability to fully participate, please email Mr. Ryan Owens at *ryan.f.owens@uscg.mil* or call at (202)–302–6565 as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meetings as time permits, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 9, 2022. We are particularly interested in comments on the issues in the ''Agenda'' section below. We encourage you to submit comments through 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–2022–0574]. Comments received will be posted without alteration at *https://www.regulations.gov* including any personal information provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). 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: Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593, Stop 7581, Washington, DC 20593–7581; telephone 202–302–6565 or email at *ryan.f.owens@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* (5 U.S.C., Appendix). The Committee was established on December 4, 2018, by section 602 of the *Frank LoBiondo Coast Guard Authorization Act of 2018,* Public Law 115–282, 132 Stat. 4190, and is codified in 46 U.S.C. 70112. The Committee operates under the provisions of the *Federal Advisory Committee Act,* (5 U.S.C. Appendix), and 46 U.S.C. 15109. The National Maritime Security Advisory Committee provides advice, consults with, and makes recommendations to the Secretary of Homeland Security, via the Commandant of the U.S. Coast Guard, on matters relating to national maritime security.

Agenda

Day 1

The agenda for the National Maritime Security Advisory Committee meetings are as follows:

Tuesday, September 13, 2022

(1) Call to Order.
(2) Introduction.
(3) Designated Federal Official Remarks.
(4) Roll call of Committee members and determination of quorum.
(5) Remarks from Committee Leadership.
(6) Discussion of Tasks. The Committee will provide an update on the following tasks:
a. Task T–2021–2: Provide input to support further development of the Maritime Cyber Risk Assessment Model.
b. Task T–2022–4: Transportation Worker Identification Credential (TWIC) Reader Program.
c. Task T–2022–5: Working Group on Cybersecurity Information Sharing.
(7) Public Comment Period.
(8) Meeting Recess.

Day 2

Wednesday, September 14, 2022

(1) Call to Order.
(2) Introduction.
(3) Designated Federal Official Remarks.
(4) Committee Chair Remarks.
(5) Committee Sector Report. Committee members will provide an update on related efforts within their sector and will provide items of future interest for the Committee to consider.
(6) Public Comment Period.
(7) Closing Remarks/Plans for Next Meeting.
(8) Adjournment of Meeting.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/NMSAC* no later than September 9, 2022. Alternatively, you may contact Mr. Ryan Owens as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

There will be a public comment period at the end of meetings. Speakers

are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, following the last call for comments. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: August 12, 2022.

Amy M. Beach,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2022–17870 Filed 8–18–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2681; DHS Docket No. USCIS–2013–0001]

RIN 1615–ZB72

Extension and Redesignation of Syria for Temporary Protected Status—Correction

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice; correction.

SUMMARY: U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), is making a correction to the notice titled ''Extension and Redesignation of Syria for Temporary Protected Status'' that published in the **Federal Register** on August 1, 2022, at 87 FR 46982. USCIS is correcting an omission in the ''Why is the Secretary extending the TPS designation for Syria and simultaneously redesignating Syria for TPS through March 31, 2024?'' section of the notice to add March 31 as the complete date through which Syria should be simultaneously extended and redesignated for TPS.

FOR FURTHER INFORMATION CONTACT:

• You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.

• For further information on TPS, including guidance on the registration and re-registration process and additional information on eligibility, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* You can find specific information about this extension of Syria's TPS designation by selecting ''Syria'' from the menu on the left side of the TPS web page.

• If you have additional questions about TPS, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

• Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at *uscis.gov/contactcenter.*

• Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION: On August 1, 2022, DHS published a notice in the **Federal Register** at 87 FR 46982. USCIS is making a correction to that published notice. The correction is as follows:

On page 46987, under the section ''Why is the Secretary extending the TPS designation for Syria and simultaneously redesignating Syria for TPS through March 31, 2024?'' USCIS is correcting the fifth bullet point to add the correct end date, March 31, 2024 through which Syria should be simultaneously extended and redesignated for TPS.

Correction

In FR 2022–16508, on page 46987 in the **Federal Register** of August 1, 2022, in the second column, USCIS is correcting the fifth bullet point as follows:

Due to the conditions described above, Syria should be simultaneously extended and redesignated for TPS effective October 1, 2022, through March 31, 2024. *See* section 244(b)(1)(A) and (C) and (b)(2) of the Act, 8 U.S.C. 1254a(b)(1)(A) and (C) and (b)(2).

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

[FR Doc. 2022–17931 Filed 8–18–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6308–N–04]

Announcement of the Housing Counseling Federal Advisory Committee; Notice of Public Meeting

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Housing Counseling Federal Advisory Committee public meeting.

SUMMARY: This gives notice of a Housing Counseling Federal Advisory Committee (HCFAC) meeting and sets forth the proposed agenda. The HCFAC meeting will be held on Tuesday, September 27, 2022. The meeting is open to the public and is accessible to individuals with disabilities.

DATES: The virtual meeting will be held on Tuesday, September 27, 2022, starting at 1 p.m. Eastern Daylight Time (EDT) via teleconference.

FOR FURTHER INFORMATION CONTACT: Virginia F. Holman, Housing Program Specialist, Office of Housing Counseling, U.S. Department of Housing and Urban Development, 600 East Broad Street, Richmond VA 23219; telephone number 540–894–7790 (this is not a toll-free number); email *virginia.f.holman@hud.gov.* Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 8778339. Individuals may also email *HCFACCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: HUD is convening the virtual meeting of the HCFAC on Tuesday, September 27, 2022, from 1 p.m. to 4 p.m. EDT. The meeting will be held via ZOOM. This meeting notice is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2).

Draft Agenda—Housing Counseling Federal Advisory Committee Meeting Tuesday September 27, 2022

I. Welcome
II. Advisory Committee Discussion
III. Public Comment
IV. Next Steps
V. Adjourn

Registration

The public is invited to attend this one-day virtual meeting, using ZOOM Advance registration is required to attend. To register, please visit *https://us06web.zoom.us/webinar/register/WN_KXlIQv0QSNKxj3-F6Mrp4A* to complete your registration no later than

September 21, 2022. Registration will be closed for the event on September 21, 2022. If you have any questions about registration, please email *HCFACCommittee@ajanta consulting.com.*

After submitting the registration form above, you will receive registration confirmation with the meeting link and passcode needed to attend. Individuals with speech or hearing impairments may follow the discussion by first calling the toll-free Federal Relay Service (FRS): (800) 977–8339 and providing the FRS operator with the conference call number that will be provided in the registration confirmation.

Public Comments

Members of the public will have an opportunity to provide oral and written comments relative to agenda topics for the HCFAC's consideration. Your registration confirmation will also explain the process for speaking.

Available time for public comments will be limited to ensure pertinent HCFAC business is completed. The amount of time allotted to each person will be limited to two minutes and will be allocated on a first-come first-served basis by HUD. Written comments can be provided on the registration form no later than September 21, 2022. Please note, written comments submitted will not be read during the meeting. The HCFAC will not respond to individual written or oral statements during the meeting; but it will take all public comments into account in its deliberations.

Meeting Records

Records and documents discussed during the meeting as well as other information about the work of the HCFAC, will be available for public viewing as they become available at: *https://www.facadatabase.gov/FACA/apex/FACAPublic Committee?id=a10t0000001gzvQAAQ.*

Information on the Committee is also available on hud.gov at *https://www.hud.gov/program_offices/housing/sfh/hcc* and on HUD Exchange at *https://www.hudexchange.info/programs/housing-counseling/federal-advisory-committee/.*

Julia R. Gordon,

Assistant Secretary for Housing—FHA Commissioner.

[FR Doc. 2022–17859 Filed 8–18–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7062–N–14]

Privacy Act of 1974; System of Records

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to create the Office of Single Family Program Development Privacy Act system of records, ''Credit Alert Reporting Verification System (CAIVRS)'', CAIVRS was developed by the HUD in June 1987 as a shared database of defaulted Federal debtors and enables processors of applications for Federal credit benefit to identify individuals who are in default or have had claims paid on direct or guaranteed Federal loans or are delinquent on other debts owed to Federal agencies. The purpose of this system is to enable program agencies to prescreen their borrowers and to broaden the Federal Government's base in determining an applicant's creditworthiness. Some of these factors include: verifying loan applicants are not in default or delinquent on direct or guaranteed loans of participating Federal programs, providing authorized users with a means to prescreen applicants for Federal credit benefit in order to avoid extending benefits to individuals who are considered credit risks, and demonstrating to the public the importance of meeting Federal obligations and its commitment to collecting delinquent debt. CAIVRS is included in the HUD's inventory of record systems.

DATES: Comments will be accepted on or before September 19, 2022. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments identified by docket number by any of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: www.privacy@hud.gov.

Mail: Attention: Ladonne White, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10139, Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number [Insert Docket Number] for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ladonne White; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001; telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- or speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Single Family Program Development maintains the ''CAIVRS (F57)'' system of records. The purpose of this system is to enable program agencies to prescreen their borrowers and to broaden the Federal Government's base in determining an applicant's creditworthiness. Some of these factors include: verifying loan applicants are not in default or delinquent on direct or guaranteed loans of participating Federal programs, providing authorized users with a means to prescreen applicants for Federal credit benefit in order to avoid extending benefits to individuals who are considered credit risks, and demonstrating to the public the importance of meeting Federal obligations and its commitment to collecting delinquent debt. CAIVRS is included in the HUD's inventory of record systems. The system contains borrowers with delinquent Federal debt and allows Federal agencies to reduce the risk of future credit default to Federal insured or guaranteed loan programs.

SYSTEM NAME AND NUMBER:

Credit Alert Reporting Verification System (CAIVRS)—HUD/PIH 01.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

CAIVRS is located and operated at NASA's John C. Stennis Space Flight Center, located at 1100 Balch Boulevard, Stennis Space Center, MS 39529–0001.

SYSTEM MANAGER(S):

Director, Office of Single-Family Program Development, United States

Department of Housing and Urban Development, 451 7th St. SW, Washington, DC 20410–1000. Elissa Saunders (202–402–2378 | *Elissa.O.Saunders@hud.gov*)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 203, National Housing Act, P.L. 73–479 (12 U.S.C. 1709); Section 255, National Housing Act, P.L. 73–479 (12 U.S.C. 1701z–20); Section 165, Housing and Community Development Act of 1987, P.L. 100–242 (42 U.S.C. 3543); Section 31001, Debt Collection Act of 1996 as amended, P.L. 104–134 (31 U.S.C. 7701); and Section 31001, Debt Collection Act of 1996 as amended, P.L. 104–134 (31 U.S.C. 3720B). Office of Management and Budget (OMB) Circulars A–129 (Policies for Federal Credit Programs and Non-Tax Receivables); the Budget and Accounting Acts of 1921 and 1950, as amended; the Debt Collection Act of 1982, as amended; the Deficit Reduction Act of 1984, as amended, and the Debt Collection Improvement Act of 1996, as amended.

PURPOSE(S) OF THE SYSTEM:

The purpose of CAIVRS is to ensure participating Federal agencies and their authorized lenders will comply with the legal requirement to verify individuals applying for a federally backed loan, or other aid, are not presently delinquent on another Federal obligation. CAIVRS is a shared, inter-agency database managed by HUD where participating agencies are required to report delinquent federal debt.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual borrowers who have applied for Federal housing loans and have fallen delinquent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full Name, Date of Birth, Email Addresses, Employee Identification Number, Home Address, Mother's Maiden Name, Social Security Number/Taxpayer ID Number (SSNs and TINs), FHA Case Number, and Work Address.

RECORD SOURCE CATEGORIES:

F17C–FHA Connection (User ID and Password management), F71–Debt Collection and Asset Management System—Title I, F71A–Debt Collection and Asset Management System—Generic Debt, P278–Lender Electronic Assessment Portal, A75R—Financial Data Mart, VA–Department of Veteran Affairs Accounts Receivable Records 88VA244, SBA–Small Business Administration Disaster Loan Case File and Loan System, ED–Department of Education Common Services for Borrowers, USDA–United States Department of Agriculture Applicant, Borrower, Grantee, or Tenant File (Rural Development), DOJ–Department of Justice Debt Collection Enforcement System.

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

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

(A) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(B) To Federal, State, and local agencies, their employees, and agents to conduct computer matching programs as regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a)

(C) To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or computer matching agreement for: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in major Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only if the information shared is necessary and relevant to verify pre-award and prepayment requirements before the release of Federal funds, prevent and recover improper payments for services rendered under programs of HUD or of those Federal agencies and non-Federal entities to which HUD provides information under this routine use.

(D) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, or cooperative agreement, when necessary to accomplish an agency function, related to a system of records, for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, or to otherwise support the Department's mission. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

(b) To a recipient who has provided the agency with advance, adequate written assurance that the record provided from the system of records will be used solely for statistical research or reporting purposes. Records under this condition will be disclosed or transferred in a form that does not identify an individual.

(E) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Department.

(F) To contractors, experts, and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize data to test new technology and systems designed to enhance program operations and performance.

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

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

resulting from a suspected or confirmed breach.

(I) (a) To appropriate Federal, State, local, tribal, or governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would help to enforce civil or criminal laws.

(b) To third parties during a law enforcement investigation, to the extent to obtain information pertinent to the investigation, disclosed such information is appropriate to the proper performance of the official duties of the officer making the disclosure.

(J) (a) To a court, magistrate, administrative tribunal, or arbitrator while presenting evidence, including disclosures to opposing counsel or witnesses in civil discovery, litigation, mediation, or settlement negotiations; or in connection with criminal law proceedings; or in response to a subpoena or to a prosecution request when such records to be released are specifically approved by a court provided order.

(b) To appropriate Federal, State, local, tribal, or governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would help to enforce civil or criminal laws.

(c) To third parties during a law enforcement investigation to the extent to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the officer making the disclosure.

(d) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency that maintains the record, specifying the particular portion desired and the law enforcement activity for which the record is sought.

(K) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(L) To match system users for security purposes. User-provided PII may be shared with HUD departmental enforcement offices and other Federal, state, local or tribal law enforcement agencies if there is reason to believe that a user provided false information to obtain access to the system, and that providing such information would help enforce civil or criminal laws.

(M) With the United States Department of Veterans Affairs (VA), to pre-screen applicants to determine if they are presently delinquent on any Federal debt reported by a participating agency, and to determine if they are eligible for a new federally backed loan or grant.

With the United States Small Business Administration (SBA) to pre-screen applicants to determine if they are presently delinquent on any Federal debt reported by a participating agency, and to determine if they are eligible for a new federally backed loan or grant.

With the United States Department of Education to pre-screen applicants to determine if they are presently delinquent on any Federal debt reported by a participating agency, and to determine if they are eligible for a new federally backed loan or grant.

With the United States Department of Agriculture (USDA) to pre-screen applicants to determine if they are presently delinquent on any Federal debt reported by a participating agency, and to determine if they are eligible for a new federally backed loan or grant.

With the United States DOJ to pre-screen applicants to determine if they are presently delinquent on any Federal debt reported by a participating agency, and to determine if they are eligible for a new federally backed loan or grant.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic only.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Name and Social Security Number/ Taxpayer ID Number (SSNs and TINs).

POLICIES AND PRACTICIES FOR RENTENTION AND DISPOSAL OF RECORDS:

All records related to Federal Housing Administration (FHA) Mortgage Credit Alert report will be destroyed according to HUD Schedule Appendix 20 Single Family Home Mortgage Insurance Program Records, item 13B6 which states the following, destroy when superseded or obsolete. All records related to FHA Mortgage Credit Verification will be destroyed according to HUD Schedule Appendix 5 Technical Support Records, item 7 which states the following, destroy when superseded or obsolete.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

CAIVRS and its data are located on centralized servers within Federal facilities with access control in place. Physical controls include cypher and combination locks, key card-controlled access, security guards, closed circuit TV, identification badges, and safes. Administrative controls include encryption of back-up data, back-ups secured off-site, methods to ensure only authorized users have access to PII, periodic security audits, regular monitoring of system users' behavior. Technical controls include encryption of Data at Rest and in Transit, firewalls at HUD and each reporting agency, role-based access controls, user IDs and passwords, Least Privileged access, elevated and/or administrative privileged access, PIV cards, intrusion detection systems. Additional measures to safeguard the system include role-based Privacy Act training required for HUD personnel responsible for CAIVRS system program management, IT security monitoring by the US Department of Housing and Urban Development and the US Department of Homeland Security.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to their records in this system of records may submit a request in writing to the Department of Housing and Urban Development, Attn: FOIA Program Office, 451 7th Street SW, Suite 10139, Washington, DC 20410–0001 or by emailing *foia@hud.gov.* Individuals must furnish the following information for their records to be located:

1. Full name.

2. Signature.

3. The reason why the individual believes this system contains information about him/her.

4. The address to which the information should be sent.

CONTESTING RECORD PROCEDURES:

Same as the Notification Procedures below.

NOTIFICATION PROCEDURES:

Any person wanting to know whether this system of records contains information about him or her should contact the System Manager. Such person should provide his or her full name, position title and office location at the time the accommodation was requested, and a mailing address to which a response is to be sent.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

N/A.

HISTORY:

N/A.

LaDonne White,

Chief Privacy Officer, Office of Administration.

[FR Doc. 2022–17895 Filed 8–18–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7062–N–15]

Privacy Act of 1974; System of Records

AGENCY: Office of Policy Development & Research, HUD.

ACTION: Notice of a modified system of records.

SUMMARY: The purpose of the Rental Assistance Demonstration (RAD) Evaluation is to assess the effect of the RAD program. This evaluation will assess the implementation and effect of the choice mobility option on properties, tenants, and the voucher program; the impact of RAD on the long-term preservation and financial viability of converted properties; the adequacy of asset management for RAD conversions; PHA's organizational change; and other RAD tenant protections and outcomes. This System of Records pertains primarily to the choice mobility component of the study, specifically the aspect of that component that evaluates the effect of the choice mobility option on tenant outcomes, but also includes some of the other components of the study. The study will use HUD administrative data to determine which residents lived in a RAD-converted property and are eligible for the RAD choice mobility option and are still residents at those properties or have since left the property using a tenant-based voucher. The study includes a census of residents who used the choice mobility option and a survey of residents eligible to use the choice mobility option but remained in their RAD-converted developments. The study will also collect PII on property owners/managers, including their names and contact information, to survey them about the impact of RAD on long-term preservation, financial viability, and asset management.

DATES: Comments will be accepted on or before September 19, 2022. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number by one of these methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: www.privacy@hud.gov.

Mail: Attention: Privacy Office; LaDonne White; The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov.* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ladonne White; 451 Seventh Street SW, Room 10139; Washington, DC 20410; telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- or speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: HUD sponsored the first phase of the RAD evaluation, which was conducted by Econometrica, the Urban Institute, and SSRS and was completed in 2019. Econometrica, the Urban Institute, and SSRS will conduct the next phase of the evaluation. This SORN is being revised to include those evaluation activities. Specific changes to the SORN include:

a. Updated system location. It added the new address of the Urban Institute.

b. Changes to the purpose of the system. It revised the purpose in accordance with evaluation activities of the next phase of the RAD evaluation.

c. Changes to the categories of individuals covered by the system. It added PHA staff and property owners or operators.

d. Changes to categories of records in the system and sources categories. It added surveys of PHA staff and property owners or operators.

SYSTEM NAME AND NUMBER:

Rental Assistance Demonstration (RAD) Program Evaluation Data Files, PD&R/RRE.01.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; Econometrica, 7475 Wisconsin Ave #1000, Bethesda, MD 20814; Urban Institute, 500 L'Enfant Plaza SW, Washington, DC 20024; The SSRS, 1 Braxton Way, Suite 125, Glen Mills, PA, 19342.

SYSTEM MANAGER(S):

Carol Star, Director, Division of Program Evaluation, Department of Housing and Urban Development, Office of Policy Development and Research, 451 Seventh Street SW, Room 8120, Washington, DC 20410. Phone: (202) 402–6139.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 502 (g) of the Housing and Urban Development Act of 1970 (Pub. L. 91–609) (12 U.S.C. 1701z-1; 1701z-2(d) and (g)).

PURPOSES OF THE SYSTEM:

The purpose of the Rental Assistance Demonstration (RAD) Evaluation is to assess the effect of the RAD program. RAD provides owners and Public Housing Authorities (PHAs) with access to additional funding to make needed physical improvements to such properties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former residents of a RAD-converted property; PHA staff, and the owners and managers of RAD conversions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data sets will contain the following categories of records.

Responses to resident survey: Include participant's full name, home address, unique household identifier, and perception of health status.

Responses to property owner or operator survey: Include respondent's full name, title or position, email address, and phone number.

Responses to PHA survey and interview: Include respondent's full

name, title or position, email address, phone number, and audio recording from interview.

Administrative data: Include data on tenant's full name, date of birth, age, gender, race/ethnicity, disability status, income/salary, geolocation information, home address, unique household identifier; property owner or manager's full name, employment status (title or position), name of employer, email address, phone number.

Locational data: Include data such as the address and location of participating household. These data sets will be drawn from a variety of sources, including the National Change of Address database, proprietary databases such as Accurint, and directly from participating households.

RECORD SOURCE CATEGORIES:

- RAD program participants
- Property owners and operators
- PHA respondents
- HUD administrative data systems:
  - Tenant Rental Assistance Certification System (TRACS), SORN HUD/H–11;
  - PIH Inventory Management System/PIH Information Center (IMS/PIC), SORN PIH–FRN;
  - Integrated Real Estate Management System (iREMS), SORN HSNG.MF/HTS.01.
- Locational data from non-federal proprietary databases: National Change of Address (NCOA) and Accurint.

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

(1) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(2) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement for the purpose of statistical analysis and research supporting program operations, management, performance monitoring, evaluation, risk management, and policy development, or to otherwise support the Department's mission. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

(3) To contractors, experts and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize data to test new technology and systems designed to enhance program operations and performance.

(4)(a) To appropriate agencies, entities, and persons when: (1) HUD suspects or has confirmed there has breached the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

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

(6) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(7) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations; or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(8) To appropriate Federal, State, local, tribal, or governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law. Records may only be disclosed upon a showing by the requester that the information is pertinent to the investigation.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained paper and electronic.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Name, home address, telephone number, and personal email address.

POLICIES AND PRACTICIES FOR RETENTION AND DISPOSAL OF RECORDS:

Records will be retired to Federal Records Center three years after satisfactory close of project that volume warrants. Records will be destroyed six years after satisfactory close of project.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system is being developed for the exclusive purpose of developing data files for the Rental Assistance Demonstration (RAD) evaluation. All data collected will be input and stored in a secure database; electronic materials with identifying information will be stored on a secure server in password-protected and/or encrypted files. Information identifying particular respondents will be shared only with staff members who have signed Data Confidentiality Pledges and who need the information for research purposes. Hard-copy materials containing respondent identifying information will be locked up when not in use. Transfer of personally identifiable information between HUD and HUD's contractors will take place through secure server or transportable media encrypted.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to their records in this system of records may submit a request in writing to the Department of Housing and Urban Development, Attn: FOIA Program Office, 451 7th Street SW, Suite 10139, Washington, DC 20410–0001 or by emailing *foia@hud.gov.* Individuals must furnish the following information for their records to be located:

1. Full name.
2. Signature.
3. The reason why the individual believes this system contains information about him/her.
4. The address to which the information should be sent.

CONTESTING RECORD PROCEDURES:

Same as the Notification Procedures Below.

NOTIFICATION PROCEDURES:

Any person wanting to know whether this system of records contains information about him or her should contact the System Manager. Such person should provide his or her full name, position title and office location at the time the accommodation was requested, and a mailing address to which a response is to be sent.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a revision to SORN No. PD&R/RRE.01, published in the **Federal Register** on January 22, 2015 (FR–5843–N–01).

LaDonne White,

Chief Privacy Officer, Office of Administration.

[FR Doc. 2022–17904 Filed 8–18–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–NWRS–2022–N003; FXRS12610800000–223–FF08RSDC00]

Draft Environmental Impact Statement/ Environmental Impact Report for the Tijuana Estuary Tidal Restoration Program II Phase I

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability, request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a joint draft environmental impact statement/environmental impact report (DEIS/EIR) for the Tijuana Estuary Tidal Restoration Program II Phase I (TETRP II Phase I). The Service, in partnership with the California Department of Parks and Recreation, is proposing coastal wetland restoration within the Tijuana River National Estuarine Research Reserve on portions of both the Tijuana Slough National Wildlife Refuge and Border Field State Park, in San Diego County, California. The U.S. Army Corps of Engineers is participating in the National Environmental Policy Act process as a cooperating agency. This notice advises the public that the DEIS/EIR, which describes the coastal wetland restoration alternatives identified for TETRP II Phase I, is available for public review and comment.

DATES:

Submitting Comments: We will accept comments received or postmarked on or before October 3, 2022.

Virtual Public Meetings: The Service will hold two virtual public meetings during the public comment period to describe the alternatives and answer questions regarding the proposal and the review process. Details regarding the meeting dates and times, as well as a link to participate in the public meetings, are provided at *https://trnerr.org/about/public-notices (scroll down to ''TETRP II Phase I'').*

ADDRESSES:

Document Availability: You may view or download the DEIS/EIR at:

- *Internet: https://trnerr.org/about/public-notices/.*
- *In Person:* Subject to restrictions imposed in response to COVID–19, you may view the available documents at the following locations (call for office hours before traveling to one of these locations).

○ Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, CA 91932 (closed Mondays and Tuesdays); telephone 619–575–3613.

○ California Department of Parks and Recreation, San Diego Coast District Office, 4477 Pacific Highway, San Diego, CA 92110; telephone 619–688–3260.

○ California Department of Parks and Recreation, Southern Service Center, NTC at Liberty Station, Barracks 26, 2797 Truxtun Road, San Diego, CA 92106; telephone 619–221–7060.

○ Imperial Beach Branch Library, 810 Imperial Beach Blvd., Imperial Beach, CA 91932; telephone 619–424–6981.

○ San Ysidro Branch Library, 4235 Beyer Blvd., San Diego, CA 92173; telephone 619–424–0475.

Submitting Comments: You may submit written comments by one of the following methods:

- *U.S. Mail:* Brian Collins, USFWS, San Diego NWR Complex, 1080 Gunpowder Point Drive, Chula Vista, CA 91910.
- *Email: fw8plancomments@fws.gov;* please include ''TETRP DEIS/EIR'' in the email subject line.
- *In-Person Drop-off:* You may drop off comments at the Tijuana Estuary Visitor Center (see *Document Availability,* above), Wednesday through Sunday between 10 a.m. and 5 p.m.

We request that you submit comments by only the methods described above. For additional information about submitting comments, see *Public Availability of Comments* under **SUPPLEMENTARY INFORMATION**.

Virtual Public Meetings: The dates and times for the virtual meetings, along with a link and access instructions, are posted at *https://trnerr.org/about/public-notices/.*

Reviewing U.S. Environmental Protection Agency (EPA) comments on the DEIS/EIR: See EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brian Collins, Refuge Manager, at *brian_collins@fws.gov* or 760–431–9440, extension 273. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a joint draft environmental impact statement/environmental impact report (DEIS/EIR) for the Tijuana Estuary Tidal Restoration Program II Phase I (TETRP II Phase I). The Service, in partnership with the California Department of Parks and Recreation (CDPR), is proposing coastal wetland restoration within the Tijuana River National Estuarine Research Reserve on portions of both the Tijuana Slough National Wildlife Refuge (TSNWR) and Border Field State Park, in San Diego County, California. The U.S. Army Corps of Engineers is participating in the National Environmental Policy Act (NEPA) process as a cooperating agency. This notice advises the public that the DEIS/EIR, which describes the coastal wetland restoration alternatives

identified for TETRP II Phase I, is available for public review and comment.

The Service and CDPR have jointly prepared the DEIS/EIR to evaluate the impacts of implementing TETRP II Phase I on the human environment, consistent with the purpose and goals of NEPA (42 U.S.C. 4321 *et seq.*) and pursuant to the Council on Environmental Quality's implementing NEPA regulations at 40 CFR parts 1500–1508. The DEIS/EIR will also be used by CDPR to satisfy the requirements of the California Environmental Quality Act (CEQA), as provided in Public Resources Code 21000 *et seq* and the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations). A notice of intent to prepare a DEIS/EIR for TETRP II Phase I was published in the **Federal Register** on May 27, 2021 (86 FR 28638). We have considered the comments we received during the scoping process, and have addressed them as applicable in the DEIS/EIR.

Project Location

The project site, which encompasses approximately 90 acres (ac), is located within the southern arm of the Tijuana Estuary, just to the east of the Pacific Ocean, in southwestern San Diego County, California. The site includes portions of both the TSNWR and Border Field State Park. The project site is located entirely within the Tijuana River National Estuarine Research Reserve.

Background

Tijuana Estuary is located at the southwest corner of the United States in San Diego County, California, where the Tijuana River drains an approximately 1,700-square-mile watershed, a large portion of which is located within Mexico. Despite recent changes to the upstream watershed, including an increase in the flow of contaminated freshwater inputs and sedimentation, the Tijuana Estuary remains the largest, most intact coastal wetland in the region, supporting habitat for resident and migratory wildlife and native plants, including many sensitive, threatened, and endangered species.

It is estimated that in the 1800s, Tijuana Estuary included over 2,500 ac of estuarine wetlands. Since then, the estuary has experienced an approximately 50 percent decrease in subtidal and mudflat habitat and a 42 percent decrease in salt marsh. In addition, extensive loss of tidal prism (*i.e.,* the volume of water coming and going with the tides) has occurred. This degradation in the southern arm of Tijuana Estuary served as the primary motivation for the initiation of Tijuana Estuary Tidal Restoration Program (TETRP), an extensive restoration proposal developed in the early 1990s.

The TETRP proposal included a multi-phased 495-ac restoration project in the estuary's southern arm, along with a proposed Model Marsh and Oneonta Tidal Linkage project (both of which have been implemented). The final EIR/EIS for the original TETRP proposal was completed in 1991. Based on updated research and analysis, the TETRP restoration proposals were refined in 2008 as part of the Tijuana Estuary Friendship Marsh Restoration Feasibility and Design Study. TETRP II Phase I is the first phase of this 2008 multi-phased restoration project.

National Environmental Policy Act

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), the Service has prepared this DEIS/EIR that describes the project setting and restoration planning history for the Tijuana Estuary and analyzes the environmental consequences of each alternative, including the effects of those alternatives when combined with reasonably foreseeable future actions and environmental trends, to determine if significant impacts to the human environment would occur. Three alternatives are analyzed in detail in the DEIS/EIR: two action alternatives and a no action/no project alternative. All alternatives are analyzed in the DEIS/EIR at an equal level of detail. The primary differences between the two action alternatives are the total acres of restored intertidal mudflat habitat versus restored intertidal salt marsh habitat, the total volume of excavated material generated, and the number of tidal channels constructed to facilitate tidal flows into the restored wetlands from the South Beach Slough.

Common features include restoration of predominantly disturbed portions of the southern arm of Tijuana Estuary to tidal wetlands, tidal channel enhancements, and new intertidal channel connections to restored habitat areas and the existing Model Marsh, incorporation of wetland-to-upland transitional habitat areas into the restoration design, and river mouth excavation, as needed, to ensure continued tidal exchange within the estuary. Additionally, both action alternatives propose the beneficial reuse of suitable excavated material for beach nourishment, development and maintenance of adjacent coastal barrier dunes, and reclamation of the Nelson Sloan Quarry. Excavated material not suitable for these purposes would be transported off site to the Otay Landfill or another suitable disposal site.

Alternative 1—Alternative 1, which includes 86.8 ac, was designed to maximize deeper intertidal habitats, such as mudflat, and to increase tidal prism in the southern arm of the estuary. A network of intertidal channels would connect with existing tidal channels and the mouth of the Tijuana River. The primary tidal connection would be the existing South Beach Slough, which would be made deeper. A smaller tidal connection would be provided to the existing Old River Slough, where the adjacent vegetated marsh habitat would be preserved. Excavation to restore wetland habitats would generate approximately 585,000 cubic yards (cy) of sediment, with approximately 5,000 cy to be used to establish higher elevation transitional areas within the restoration footprint.

Alternative 2 (Proposed Action)—Alternative 2, identified in the DEIS/EIR as the proposed action, includes a restoration footprint of approximately 83.6 ac and proposes to restore approximately 82.5 ac of wetland habitats from primarily disturbed upland habitat, while preserving 1.1 ac of transitional and upland habitat within the northern portion of the project site. The restored habitats would generally be located in and around the Model Marsh. A system of tidal channels would be established, with connections to existing tidal channels at three points, including two along South Beach Slough and one at Old River Slough. South Beach Slough would be deepened to increase tidal flows into the proposed restoration area, and transition zone habitat would be restored along the southern portion of the restoration area and intermittently around the perimeter of Model Marsh. Excavation would generate approximately 521,000 cy of material, with approximately 7,000 cy to be used on site to establish higher elevation transitional areas. As described above, the remainder of the excavated material, depending upon its suitability, would be beneficially reused for beach nourishment, transported off site for beneficial reuse at other project sites, and/or disposed of in a landfill.

No Action Alternative—Under the No Action Alternative, restoration of the estuary would not be implemented. No removal of soil or vegetation would occur to restore or establish habitat within the project site. New or widened channel connections would not be implemented. Periodic removal of sand from the estuary's river mouth could continue to occur under separate approvals, but activities would be

restricted to the river mouth and would not extend into the estuary.

EPA's Role in the EIS Process

The U.S. Environmental Protection Agency (EPA) is charged with reviewing all Federal agencies' EISs and commenting on the adequacy and acceptability of the environmental impacts of proposed actions. Therefore, in addition to our publication of this notice, the EPA is publishing a notice in the **Federal Register** announcing the DEIS, as required under section 309 of the Clean Air Act (CAA; 42 U.S.C. 7401 *et seq.*). The publication date of EPA's notice of availability is the start of the public comment period for the DEIS/EIR. Under the CAA, EPA also must subsequently announce the final EIS via the **Federal Register**. EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

Public Comments

You may submit your written comments and materials by one of the methods presented in **ADDRESSES**.

No opportunity will be provided for verbal comments during the virtual public meetings described under **DATES**.

Reasonable Accommodations

Persons needing reasonable accommodations to participate in the virtual public meetings should contact the Service as soon as possible, using one of the methods listed under **FOR FURTHER INFORMATION CONTACT**. To allow sufficient time to process requests, please make contact no later than one week before the scheduled public meetings.

Information regarding this proposed action is available in alternative formats upon request.

Public Availability of Comments

You may submit your comments by one of the methods listed in **ADDRESSES**. 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.

Next Steps and Decision To Be Made

After public comment, we will evaluate any comments received and prepare written responses, which will be included with the final EIS. The Service expects to announce the availability of the final EIS in the **Federal Register** in early 2023. After consideration of the analysis and information provided in the final EIS, as well as the comments received throughout the review process, the Regional Director will select the alternative that best achieves the purpose and need for the intended action. The decision, which will be documented in the record of decision, will also consider the consistency of the action with agency policies, regulations, and applicable laws, and the contribution it will make towards achieving the purposes for which the TSNWR was established. At least 30 days after the final EIS is available, we expect the record of decision will be completed, in accordance with applicable timeframes established in 40 CFR 1506.11.

Authority

We provide this notice in accordance with the requirements of NEPA and its implementing regulations (40 CFR 1503.1 and 1506.6).

Jill Russi,

Acting Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022–17235 Filed 8–18–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2022–N041; FXES11130100000–223–FF01E00000]

Endangered Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before September 19, 2022.

ADDRESSES: *Document availability and comment submission:* Submit a request for a copy of the application and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name and application number (*e.g.,* Dana Ross, ESPER0001705):

- *Email: permitsR1ES@fws.gov.*
- *U.S. Mail:* Marilet Zablan, Regional Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Regional Recovery Permit Coordinator, Ecological Services, (503) 231–6131 (phone); *permitsR1ES@fws.gov* (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for

these permits are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
ES018078	Hawaii Volcanoes National Park, Hawaii National Park, HI.	Hawaiian petrel (*Pterodroma sandwichensis*) ..... *Adenophorus periens* (pendant kihi fern) ..... *Argyroxiphium kauense* (Mauna Loa silversword) ..... *Argyroxiphium sandwicense* var. *sandwicense* ('ahinahina). *Asplenium fragile* var. *insulare* (no common name (NCN)). *Clermontia lindseyana* ..... *Clermontia peleana* ('oha wai) ..... *Cyanea shipmanii* (haha) ..... *Cyanea stictophylla* (haha) ..... *Cyanea tritomantha* ('akū) ..... *Cyrtandra giffardii* (ha'iwale) ..... *Cyrtandra tintinnabula* (ha'iwale) ..... *Exocarpos menziesii* (heau) ..... *Haplostachys haplostachya* (NCN) ..... *Hibiscadelphus giffardianus* (hau kuahiwi) ..... *Hibiscadelphus hualalaiensis* (hau kuahiwi) ..... *Ischaemum byrone* (Hilo ischaemum) ..... *Joinvillea ascendens* ssp. *ascendens* ('ohe) ..... *Kokia drynarioides* (koki'o) ..... *Melicope zahlbruckneri* (alani) ..... *Neraudia ovata* (NCN) ..... *Nothocestrum breviflorum* ('aiea) ..... *Ochrosia haleakalae* (holei) ..... *Phyllostegia floribunda* (NCN) ..... *Phyllostegia parviflora* (NCN) ..... *Phyllostegia racemosa* (kiponapona) ..... *Phyllostegia stachyoides* (NCN) ..... *Pittosorum hawaiiense* (hoawa) ..... *Plantago hawaiensis* (Kuahiwi laukahi) ..... *Pleomele hawaiiensis* (hala pepe) ..... *Portulaca sclerocarpa* (po'e) ..... *Portulaca villosa* ('ihi) ..... *Pritchardia lanigera* (lo'ulu) ..... *Pritchardia maideniana* (lo'ulu) ..... *Ranunculus hawaiensis* (makou) ..... *Sanicula sandwicensis* (NCN)	Hawaii	Bird: Harass by survey, monitor, capture, handle, band, biosample, conduct predator control, and release. Plants: Remove/reduce to possession.	Renew.
ES19239B	Washington Department of Fish and Wildlife, Olympia, WA.	Taylor's checkerspot (*Euphydryas editha taylori*)	Oregon and Washington.	Harass by capture, handle, biosample, collect voucher specimens, and release.	Renew.
ES67157D	Oregon State University, Corvallis, OR.	Hawaiian common gallinule (*Gallinula galeata sandvicensis*). Hawaiian coot (*Fulca americana alai*)	Hawaii	Harass by survey, monitor, capture, handle, band biosample, attach transmitters, float eggs, release, and salvage.	Amend.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue a permit to an applicant listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Marilet A. Zablan,

Regional Program Manager for Restoration and Endangered Species Classification, Pacific Region.

[FR Doc. 2022–17898 Filed 8–18–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[21X.LLAZP02000.L54400000.EU0000. LVCLA21A5600]

Notice of Realty Action: Land Sale Segregation; Arizona

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes a noncompetitive (direct) sale of 20 acres to the City of Apache Junction (City) in accordance with the applicable provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the BLM land sale regulations. Since the Recreation and Public Purposes Act (R&PP) does not authorize uses aimed predominately at producing revenue or where the principal use is a commercial activity, the City would like to further develop and operate the land through a direct sale. The appraised Fair Market Value (FMV) of the parcel is $1,400,000.

DATES: Submit written comments regarding this direct sale on or before October 3, 2022.

ADDRESSES: Comments may be mailed to Ryan Randell, Realty Specialist, at the BLM Lower Sonoran Field Office, 21605 N 7th Ave., Phoenix, Arizona 85027. Comments may also be faxed to (623) 580–5580 or emailed to *BLM_AZ_PDO@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Ryan Randell, Realty Specialist, telephone (623) 580–5533, email: *rrandell@blm.gov;* or you may contact the BLM Lower Sonoran Field Office at the above listed address. 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 will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The land of the R&PP lease has been developed by the City into a rodeo ground arena and the City hosts multiple municipal events annually in compliance with the approved R&PP lease plan of development.

On December 6, 1966, a **Federal Register** notice segregated the described land from all forms of disposal under the public land laws, including the mining laws, except applications under the State Indemnity Act and the R&PP Act.

On February 19, 1982, the BLM issued the Apache Junction Jaycees a lease under the R&PP Act for a rodeo ground arena. On July 23, 1986, the lease was assigned to the City, which has since successfully developed, maintained, and operated the lease as a rodeo ground.

The City has shown interest in using the land for activities that include third-party concessions and other commercial activities. This land is being offered for direct sale to the City at no less than the appraised FMV.

The public land was examined and identified as suitable for sale and is legally described as:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 8 E.,
Sec. 9, S½SE¼SE¼.

The area described contains 20 acres, according to the official plat of survey on file with the BLM.

This public land is identified and designated for disposal in the Lower Sonoran Resource Management Plan (RMP), dated September 2012.

The land meets the criteria for direct sale under 43 CFR 2711.3–3(a): ''Direct sales may be utilized, when in the opinion of the Authorized Officer, a competitive sale is not appropriate, and the public interest would best be served by a direct sale.'' Disposal is consistent with Section 203(a)(3) of the FLPMA, which states ''Disposal of such tract will serve important public objectives, including but not limited to expansion of communities and economic development . . . '' Additionally, the land meets the criteria for the conveyance of a mineral interest under 43 CFR 2720.0–3(a), which states ''Section 209(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b), authorizes the Secretary of the Interior to convey mineral interests owned by the United States where the surface is or will be in non-Federal ownership, if certain specific conditions are met.'' The BLM may convey a Federally owned mineral interest only when the authorized officer determines that it has no known mineral value, or that the mineral reservation is interfering with or precluding appropriate nonmineral development of the land and that nonmineral development is a more beneficial use than mineral development.

The BLM will prepare a parcel-specific National Environmental Policy Act analysis in connection with this notice.

The property will be segregated from all forms of appropriation under the public land laws, including the mining laws, except as it relates to direct sale to the City as herein proposed. The segregative effect will terminate upon issuance of a patent, by publication in the **Federal Register** of a termination of the segregation, or two years after publication of this notice, whichever occurs first.

On October 18, 2022, the portion of the R&PP Act classification identified above and any associated segregations will be terminated, and the land described above shall be open to direct sale to the City in accordance with the RMP. The proposed sale would be conducted in accordance with Section 203 & 209 of the FLPMA, subject to valid existing rights, the provisions of existing withdrawals and other segregations of record, and the requirements of applicable public land laws.

The patent, if issued, will contain the following reservations, covenants, terms, and conditions:

1. Rights-of-way for ditches and canals constructed by the authority of the United States will be reserved pursuant to the Act of August 30, 1890.

2. The conveyance will be subject to valid existing rights of record, including, but not limited to, those documented on the BLM public land records at the time of conveyance of the land.

3. The conveyance will also be subject to additional terms and conditions that the authorized officer deems appropriate to ensure proper land use and protection of the public interest.

Interested parties will receive a copy of this notice once it is published in the **Federal Register**, and the BLM will publish a legal notice in the newspaper of local circulation once a week for three consecutive weeks with information about this proposed realty action.

Comments: Interested persons may submit comments regarding the specific use proposed and whether the BLM followed proper administrative procedures in this action, or any other factor not directly related to the suitability of the land.

Any adverse comments will be reviewed by the BLM Arizona State Director who may sustain, vacate, or modify this realty action.

Before including your address, phone number, email address, or other personal identifying information in any comment, be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While

you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2710 & 2720)

Leon Thomas,

District Manager, Phoenix District.

[FR Doc. 2022–17928 Filed 8–18–22; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2022–0040]

Request for Interest (RFI) in Commercial Leasing for Wind Energy Development on the Gulf of Maine Outer Continental Shelf (OCS)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Request for interest and comments.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) issues this RFI to assess interest in, and to invite public comment on, possible commercial wind energy leasing on the Gulf of Maine OCS. BOEM will consider information received in response to this RFI to determine whether to schedule a competitive lease sale or to issue a noncompetitive lease for any portion of the area described in this RFI (RFI Area). Those interested in leasing within the RFI Area for a commercial wind energy project should provide detailed and specific information described in the section of this RFI entitled ''Required Information for Indication of Commercial Interest.'' BOEM also invites all interested and potentially affected parties to comment and provide information—including information on environmental issues and concerns—that may be useful in the consideration of the RFI Area for commercial wind energy leases. Developers and those interested in providing public comments and information regarding site conditions, resources, and multiple uses in close proximity to, or within, the RFI Area should provide information requested in the section of this RFI entitled ''Requested Information from Interested or Affected Parties.'' BOEM will process the information received in response to this RFI to determine if there is competitive interest to develop renewable energy on the OCS, understand ocean uses, identify conflicts, and deconflict, as appropriate. See the section of this RFI entitled ''BOEM's Planning and Leasing Process.''

DATES: Submissions indicating your interest in or providing comments on commercial leasing within the RFI Area must be received no later than October 3, 2022. BOEM may not consider late submissions.

ADDRESSES: Please submit indications of interest electronically via email to *renewableenergy@boem.gov* or hard copy by mail to the following address: Zachary Jylkka, Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 45600 Woodland Road, Mailstop: VAM–OREP, Sterling, VA 20166. If you elect to mail a hard copy, also include an electronic copy on a portable storage device. BOEM will list the parties that submit indications of competitive interest within the RFI Area on the BOEM website after it has reviewed the qualification documents of each entity indicating interest.

Please submit comments and other information as listed in the section entitled ''Requested Information from Interested or Affected Parties'' by either of the following two methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BOEM–2022–0040 and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

2. *By mail to the following address:* Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 45600 Woodland Road, Mailstop: VAM–OREP, Sterling, VA 20166.

Treatment of confidential information is addressed in the section of this notice entitled, ''Protection of Privileged, Personal, or Confidential Information.'' BOEM will post all comments on *regulations.gov* unless labeled as confidential.

FOR FURTHER INFORMATION CONTACT: Zachary Jylkka, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (978) 491–7732, or *zachary.jylkka@boem.gov.*

SUPPLEMENTARY INFORMATION:

1. Authority

This RFI is published under subsection 8(p)(3) of the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1337(p)(3), as well as the implementing regulations at 30 CFR 585.210.

2. Purpose

Subsection 8(p)(3) of OCSLA requires BOEM to offer leases competitively, unless BOEM determines that there is no competitive interest. This RFI is a preliminary step to assist BOEM in determining potential interest in offshore wind energy development in the RFI Area. If, following this RFI, BOEM determines that there is competitive interest in any portion of the RFI Area, BOEM may proceed with the competitive leasing process under 30 CFR 585.211 through 585.225. If, following this RFI, BOEM determines that there is no competitive interest in the RFI Area, BOEM may proceed with the noncompetitive leasing process under 30 CFR 585.232. Whether any leasing process is competitive or noncompetitive, BOEM will provide opportunities for the public to provide input.

Additionally, as part of any leasing process, BOEM will conduct a thorough environmental review and requisite consultations with appropriate Federal agencies, federally recognized Tribes, State and local governments, and other interested parties, which will be conducted in conformance with all applicable laws, regulations, and policies. Parties other than those interested in obtaining a commercial lease are welcome to submit comments in response to this RFI.

Concurrent with this notice, BOEM is publishing in the **Federal Register** a Request for Competitive Interest (RFCI) in response to the State of Maine's proposed OCS lease for wind energy research submitted to BOEM in October 2021 [Docket No. BOEM–2022–0041]. The RFCI specifies information that is required to be submitted by entities wishing to acquire a commercial lease within the RFCI area.

3. Description of the Request for Interest Area

BOEM determined the RFI Area after engaging with the Commonwealth of Massachusetts, the States of New Hampshire and Maine, and with the Gulf of Maine Intergovernmental Renewable Energy Task Force, which included opportunities for public input during its meetings. This RFI Area consists of 13,713,825 acres located off the coasts of Massachusetts, New Hampshire, and Maine (see Figure 1).

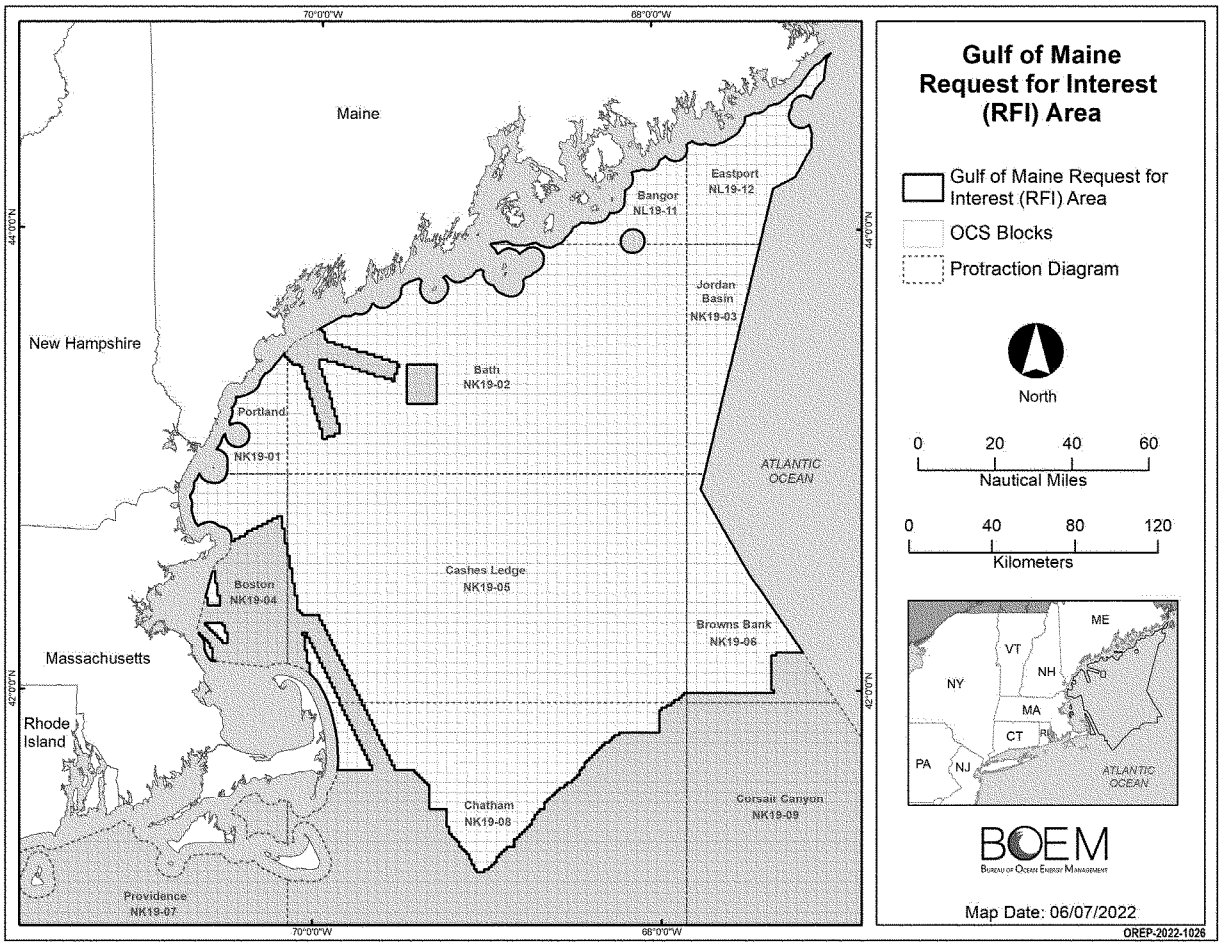

Figure 1: Gulf of Maine Request for Interest Area

The outer perimeter of the RFI area is roughly bounded to the north, east, and west by the boundaries of BOEM's jurisdiction over renewable energy activities on the OCS. BOEM delineated the southern boundary by looking at the oceanographic and ecological features that together uniquely define the Gulf of Maine. BOEM also excluded areas from the RFI Area that were incompatible with offshore wind energy development, including areas that met the following criteria:

- A unit within the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, and any National Monument (§ 585.204),
- Existing Traffic Separation Schemes, fairways, and other internationally recognized navigation measures, and
- The RFCI area encompassing the State of Maine's lease request.

BOEM's RFI development framework, the map depicting the RFI Area (Figure 1), and a spreadsheet listing its specific OCS blocks are available for download on the BOEM website at *https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine.*

4. Requested Information from Interested or Affected Parties

BOEM requests specific and detailed comments from the public and other interested or affected parties on the following subjects. If a commenter recommends an area be excluded from leasing, BOEM also requests data to support any recommended buffers or set-backs from those areas.

In some cases, BOEM possesses spatial data relevant to the categories of information listed below and has made a public data inventory listing those data layers available on the BOEM website at *https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine.* Regardless of whether BOEM has existing data for a certain category, BOEM values comments addressing whether the commenter believes the data are the best available, as well as any other perceived gaps in or limitations of the data. Where applicable, spatial information should be submitted in a format compatible with ESRI ArcGis (ESRI shapefile or ESRI file geodatabase) in a geographic coordinate system (NAD 83 datum).

a. Commercial and recreational fishing activities and data, including spatial data (*e.g.,* landings, value, vessel traffic, home ports). Specifically, the use of the areas, types of fishing gear used, anticipated impacts from offshore renewable energy (positive, negative, or neutral), seasonal use, and recommendations for reducing use conflicts. Additional information about port-to-port or port-to-fishing location corridors, determination of appropriate buffers for safety (based on the types of vessel) between these corridors and the placement of structures in the RFI Area, and the density of the types of vessels that utilize these corridors and their ability to use alternative corridors.

b. Protected species and habitat information, including the presence of endangered, threatened, or sensitive avian and marine life and proximity to designated Endangered Species Act

(ESA) Critical Habitat and Essential Fish Habitat or Habitat Areas of Particular Concern.

c. Tribal issues of concern and relevant indigenous traditional knowledge.

d. Socioeconomic information for communities potentially affected by wind energy leasing in the RFI Area, including community profiles, vulnerability and resiliency data, and information on environmental justice communities. BOEM also solicits comments on how best to meaningfully engage with these communities.

e. Technical and economic considerations, such as regional energy demand, interconnection opportunities between offshore energy facilities and the onshore electric grid, supply chain concerns, floating foundations, anchoring system considerations, and suggested distances from shore to offshore energy facilities.

f. Information regarding the identification of historic properties or potential effects to historic properties from leasing, site assessment activities (including installation of meteorological buoys), and commercial wind energy development in the RFI Area. This includes potential offshore archaeological sites or other historic properties within the areas described in this notice and also onshore historic properties that could potentially be affected by renewable energy activities within the RFI Area. This information will inform BOEM's review of future undertakings under Section 106 of the National Historic Preservation Act (NHPA) and under the National Environmental Policy Act (NEPA).

g. Information relating to whether the visibility of wind turbines located in the RFI Area would adversely affect the landscape or seascape of coastal areas of the Gulf of Maine. Information regarding strategies that could be used to mitigate or minimize any adverse visual effects, such as: how far offshore turbines should be placed to minimize the visual impact from the coastline; specific locations or areas to avoid development altogether; or any other strategies to help reduce the visual footprint (for example, the color of the turbines or their components, the arrangement or pattern of the turbine array, the dimension of the turbines (*e.g.,* height and blade span), navigation and aviation lighting requirements, and the maximum number of turbines that should be allowed in a specific area).

h. Information regarding the potential for interference with radar systems covering the RFI Area, including, but not limited to, radar systems used for navigation, air traffic control, offshore search and rescue operations, and weather and environmental monitoring.

i. General interest from developers in constructing a backbone transmission system that would transport electricity generated by wind energy projects located offshore in the Gulf of Maine, including a general description of the transmission's proposed path and potential interconnection points with the onshore electric grid.

j. Data and information concerning renewable energy resources and environmental conditions in and around the RFI Area (*e.g.,* oceanographic factors such as seafloor morphology, wind speed, water depth, shallow hazards, sea floor slope, currents, and tidal influence).

k. Data and information concerning the presence of seafloor telecommunications cables, disposal areas, and unexploded ordnance.

l. Information about potentially conflicting uses of the RFI Area, including but not limited to alternative offshore energy (*e.g.,* wave, tidal), aquaculture, maritime navigation, and recreational vessel traffic.

m. BOEM is planning to incorporate ecosystem-based spatial models to support Gulf of Maine planning and leasing. BOEM requests comments on the availability of such models, their relative strengths and weaknesses, and their utility for the Gulf of Maine.

n. Other relevant socioeconomic, biological, or environmental information.

5. Required Information for Indication of Commercial Interest

If you intend to submit one or more indications of interest for a commercial wind energy lease within the RFI Area, you must provide the following information for each indication of interest:

a. The BOEM leasing map name and number, or official protraction diagram number, and the specific whole or partial OCS blocks within the RFI Area that you are interested in leasing. This information should be submitted as an ESRI ArcGis compatible spatial file (ESRI shapefile or ESRI file geodatabase) in a geographic coordinate system (NAD 83 datum). If your indication of interest includes one or more partial blocks, please describe those partial blocks in terms of a sixteenth (*i.e.,* sub-block) of an OCS block.

b. A description of your objectives and the facilities that you would use to achieve those objectives. This should include a description of requested buffers or set-backs from any potential adjacent projects that may be developed as part of this commercial leasing process (to, *e.g.,* minimize wake effect or provide sufficient protection of anchoring systems for floating foundations).

c. A preliminary schedule of proposed activities, including those leading to commercial operations.

d. Available and pertinent data and information concerning renewable energy resources and environmental conditions in the areas that you wish to lease, including energy and resource data and information used to evaluate the area. Where applicable, spatial information should be submitted in a format compatible with ESRI ArcGIS (ESRI shapefile or ESRI file geodatabase) in a geographic coordinate system (NAD 83 datum).

e. Documentation demonstrating that you are legally qualified to hold a lease in accordance with 30 CFR 585.106 and 585.107(b)–(d). Examples of the documentation appropriate for demonstrating your legal qualifications and related guidance can be found on the BOEM website at *https://www.boem.gov/sites/default/files/documents/about-boem/Qualification%20Guidelines.pdf.* Legal qualification documents that you provide to BOEM may be made available for public review. If you wish that any part of your legal qualification documentation be kept confidential, clearly identify what should be kept confidential and submit it under separate cover (see the section of this RFI entitled ''Protection of Privileged, Personal, or Confidential Information''), along with an explanation on why your legal qualifications should not be subject to disclosure.

f. Documentation demonstrating that you are technically and financially capable of constructing, operating, maintaining, and decommissioning the commercial wind energy facility described in your submission in accordance with 30 CFR 585.107(a). Guidance regarding the documentation to demonstrate your technical and financial qualifications can be found at *https://www.boem.gov/sites/default/files/documents/about-boem/Qualification%20Guidelines.pdf.*

Documentation you submit to demonstrate your legal, technical, and financial qualifications may be provided to BOEM in either hard copy or electronic formats (see the section of this RFI entitled **ADDRESSES**). BOEM considers an Adobe PDF file on a media storage device to be an acceptable format for an electronic copy.

6. Protection of Privileged, Personal, or Confidential Information

a. Freedom of Information Act

BOEM will protect privileged and confidential information that you submit as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly label it and request that BOEM treat it as confidential. BOEM will not disclose such information if BOEM determines under 30 CFR 585.113(b) that it qualifies for exemption from disclosure under FOIA. Please label privileged or confidential information ''Contains Confidential Information'' and consider submitting such information as a separate attachment, along with an explanation on why the information should not be subject to disclosure.

BOEM will not treat as confidential any aggregate summaries of information or comments not containing privileged or confidential information. Additionally, BOEM will not treat as confidential (1) the legal title of the nominating entity (for example, the name of your company), or (2) the list of whole or partial blocks that you are nominating. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release.

b. Personally Identifiable Information

BOEM does not consider anonymous comments; please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any personally identifiable information (PII) included in your comment, may be made publicly available at any time. Even if BOEM withholds your information in the context of this RFI, your submission is subject to FOIA. If your submission is subject to a FOIA request, your information will only be withheld if a determination is made that one of the FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department of the Interior's FOIA regulations and applicable law.

For BOEM to consider withholding from disclosure your PII, you must identify in a cover letter any information contained in your comment that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of your PII, such as embarrassment, injury, or other harm. Note that BOEM will make available for public inspection all comments, in their entirety, submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

c. Section 304 of the National Historic Preservation Act (54 U.S.C. 307103(a))

After consultation with the Secretary of the Interior, BOEM is required to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities should designate information that falls under Section 304 of NHPA as confidential.

7. BOEM's Environmental Review Process

Before deciding whether and where leases may be issued, BOEM will prepare an environmental analysis under the NEPA process and conduct consultations to consider the environmental consequences associated with issuing commercial wind energy leases within the RFI Area. The NEPA analysis will consider the reasonably foreseeable environmental consequences associated with leasing, such as site characterization activities (including geophysical, geotechnical, archaeological, and biological surveys) and site assessment activities (including installation of a meteorological buoy). BOEM also will conduct appropriate consultations concurrently with, and integrated into, the NEPA process. These consultations include those required by the Coastal Zone Management Act, the ESA, the Magnuson-Stevens Fishery Conservation and Management Act, Section 106 of the NHPA, and Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.''

Before BOEM allows any lessee to begin construction of a wind energy project in the RFI Area, BOEM will consider the environmental effects of the construction and operation of any wind energy facility under a subsequent, separate, and project-specific NEPA process. This separate NEPA process will include additional opportunities for consultations and public involvement and likely will result in the publication of an environmental impact statement.

8. BOEM's Planning and Leasing Process

a. Determination of Competitive Interest

Subsection 8(p)(3) of OCSLA states that ''the Secretary [of the Interior] shall issue a lease, easement, or right-of-way . . . on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.'' Accordingly, BOEM must first determine whether there is competitive interest in acquiring a lease to develop offshore wind energy within the RFI Area. At the conclusion of this RFI's comment period, BOEM will review the indications of interest received and determine if competitive interest exists in any part of the RFI Area.

For areas with two or more valid indications of interest, BOEM may consider proceeding with competitive leasing as described in the section of this RFI entitled ''Competitive Leasing Process.'' For areas where BOEM determines that only one interested entity exists, BOEM may consider proceeding with noncompetitive leasing, as described in the section entitled ''Noncompetitive Leasing Process.'' However, BOEM may also determine there is competitive interest in an area with only a single nomination based on input received in response to this notice, market conditions, and the amount of area available for leasing.

If BOEM determines that competitive interest exists in areas BOEM identifies as appropriate to lease, BOEM may hold one or more competitive lease sales for those areas. If BOEM holds a lease sale, all qualified bidders, including bidders that did not submit a nomination in response to this RFI, will be eligible to participate in the lease sale.

BOEM reserves the right to not offer for lease areas nominated as a result of this RFI and to modify such areas from their proposed form before offering them for lease.

b. Competitive Leasing Process

BOEM will follow the steps required by 30 CFR 585.211 through 585.225 if it decides to proceed with the competitive leasing process after analyzing the responses to this RFI. Those steps are:

(1) *Call for Information and Nominations (Call):* BOEM will publish a Call in the **Federal Register** for leasing in specified areas. The comment period following the Call will be 45 days. In the Call, BOEM may request comments seeking information on areas that should receive special consideration and analysis; geological conditions (including bottom hazards); archaeological sites on the seabed or

nearshore; possible multiple uses of the proposed leasing area (including navigation, recreation, and fisheries); and other socioeconomic, biological, and environmental matters. In response to the Call, potential lessees submit the following information: the area of interest for a possible lease; a general description of the potential lessee's objectives and the facilities that the potential lessee would use to achieve those objectives; a general schedule of proposed activities, including those leading to commercial operations; data and information concerning renewable energy and environmental conditions in the area of interest, including the energy and resource data and information used to evaluate the area of interest; and documentation showing the potential lessee is qualified to hold a lease. However, a potential lessee is not required to resubmit information it has already submitted in response to this RFI.

(2) *Area Identification:* Based on the information received in response to the RFI and Call, BOEM will determine the level of commercial interest and identify the areas that are appropriate to analyze for potential leasing. Those areas will constitute wind energy areas (WEA) and will be subject to environmental analysis in consultation with appropriate Federal agencies, federally recognized Tribes, State and local governments, and other interested parties.

(3) *Proposed Sale Notice (PSN):* If BOEM decides to proceed with a competitive lease sale within a WEA after completion of its environmental analysis and consultations, BOEM will publish a PSN in the **Federal Register** with a comment period of 60 days. The PSN will describe the areas BOEM intends to offer for leasing, the proposed conditions of a lease sale, the proposed auction format of the lease sale, and the lease instrument, including lease addenda. Additionally, the PSN will describe the criteria and process for evaluating bids in the lease sale.

(4) *Final Sale Notice (FSN):* After considering the comments on the PSN, if BOEM decides to proceed with a competitive lease sale, it will publish an FSN in the **Federal Register** at least 30 days before the date of the lease sale.

(5) *Bid Submission and Evaluation:* Following publication of the FSN in the **Federal Register**, BOEM will offer the lease areas through a competitive sale process, using procedures specified in the FSN. BOEM will review the sale, including bids and bid deposits, for technical and legal adequacy. BOEM will ensure that bidders have complied with all applicable regulations. BOEM reserves the right to reject any or all bids and to withdraw an offer to lease an area, even after bids have been submitted.

(6) *Issuance of a Lease:* Following identification of the winning bidder on a lease area, BOEM will notify that bidder and provide the lease documents for signature. BOEM requires a winning bidder to sign and return the lease documents, pay the remainder of its bid, if applicable, and file the required financial assurance within 10-business days of receiving the lease documents. Upon receipt of the required payments, financial assurance, and signed lease documents, BOEM may execute a lease with the winning bidder.

c. Noncompetitive Leasing Process

BOEM's noncompetitive leasing process includes the following steps under 30 CFR 585.231 and 585.232:

(1) *Determination of No Competitive Interest:* If, after evaluating all relevant information, including responses to this RFI, BOEM determines there is no competitive interest in all or a portion of the RFI Area, it may proceed with the noncompetitive lease issuance process. BOEM will determine if the sole respondent who submitted an indication of interest in a particular area intends to proceed with acquiring the lease. If so, the respondent must pay the acquisition fee. After the acquisition fee is paid, BOEM will publish a determination of no competitive interest in the **Federal Register**.

(2) *Review of Lease Request:* BOEM will coordinate and consult, as appropriate, with relevant Federal agencies, federally recognized Tribes, affected State and local governments, and other affected or interested parties in reviewing the noncompetitive leasing request and in formulating lease terms, conditions, and stipulations. BOEM also will complete the appropriate environmental analysis to inform its decision-making.

(7) *Lease Issuance:* After completing its review of the lease request and environmental analysis, BOEM may offer a noncompetitive lease. BOEM requires the respondent to sign and return the lease documents and file the required financial assurance within 10-business days of receiving the lease documents. Upon receipt of the required financial assurance and signed lease documents, BOEM may execute a lease with the respondent.

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2022–17921 Filed 8–18–22; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2022–0030]

Outer Continental Shelf Official Protraction Diagrams and Official Protraction Aliquot Diagrams

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Availability of North American Datum of 1983 Outer Continental Shelf Provisional Official Protraction Diagrams and Provisional Official Aliquot Protraction Diagrams for the Gulf of Mexico.

SUMMARY: Notice is hereby given of the availability of new North American Datum of 1983 (NAD83)-based Outer Continental Shelf (OCS) Provisional Official Protraction Diagrams (OPDs) and Provisional Official Protraction Aliquot Diagrams (OPADs) depicting geographic areas located in the Gulf of Mexico (GOM) and covering the extent of the area included in the ''Call for Information and Nominations—Commercial Leasing for Wind Power Development on the Outer Continental Shelf in the Gulf of Mexico.''

ADDRESSES: Copies of the OPDs and OPADs are available for download in .pdf format from *https://www.boem.gov/gom83-cadastral-data.*

FOR FURTHER INFORMATION CONTACT: Beth Wenstrom, Chief, Geospatial Services Division, Office of Strategic Resources, at (703) 787–1312 or via email at *beth.wenstrom@boem.gov.*

SUPPLEMENTARY INFORMATION: The Bureau of Ocean Energy Management (BOEM), in accordance with its authority and responsibility under the OCS Lands Act, is announcing the availability of diagrams that could be used for the description of potential energy and mineral lease sales in the geographic areas that the diagrams represent.

The extent of the currently-published diagram coverage is shown in Figure 1, below.

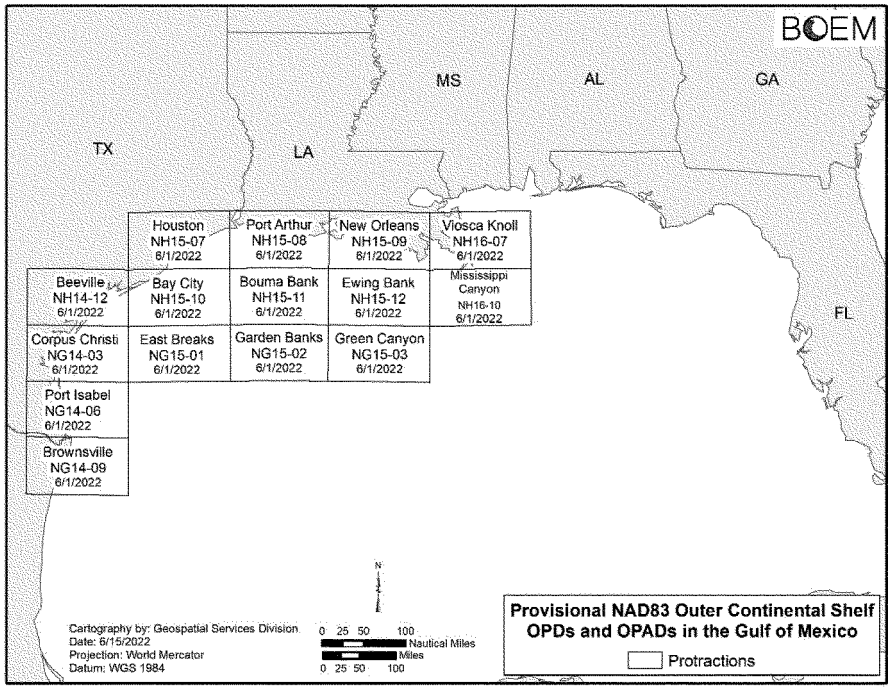

Figure 1

The maps represent the first provisional OPDs and OPADs published by BOEM that reflect Federal waters seaward of the States of Louisiana and Texas in the NAD83 datum. OPDs and OPADs depict the cadastral subdivisions of the OCS that legally define all leasing areas. The diagrams depict areal measurements and offshore boundaries and identify Federal and state land ownership for individual OCS leasing blocks. These provisional OPDs and OPADs represent the approximate locations of the Submerged Lands Act and Limit of ''8(g)/8(p) Zone'' boundaries. Available diagrams have the latest approval date under the diagram number and may also carry the name of a city, town, or prominent natural feature within it. Further information is provided on the specific OPDs and OPADs.

The provisional diagrams neither supersede nor replace the North American Datum of 1927 OPDs and Leasing Maps (LMs) or Notices to Lessees (NTLs) guidance previously published by BOEM and used for oil and gas leasing (*e.g.,* NTL No. 2009–G29). The provisional OPDs and OPADs described in this notice are for informational purposes only and are published to support a potential future offshore wind lease sale in the GOM. These diagrams will be superseded by official versions in advance of a potential offshore wind lease sale in the GOM.

Provisional Outer Continental Shelf OPDs and OPADs in the Gulf of Mexico

Description—Date (in mm/dd/yyyy Format)

OPD Gulf of Mexico NAD83 Index Map—6/9/2022
OPD NG14–09 (Brownsville)—6/1/2022
OPAD NG14–09 (Brownsville)—6/1/2022
OPD NG14–06 (Port Isabel)—6/1/2022
OPAD NG14–06 (Port Isabel)—6/1/2022
OPD NG14–03 (Corpus Christi)—6/1/2022
OPAD NG14–03 (Corpus Christi)—6/1/2022
OPD NH14–12 (Beeville)—6/1/2022
OPAD NH14–12 (Beeville)—6/1/2022
OPD NG15–01 (East Breaks)—6/1/2022
OPAD NG15–01 (East Breaks)—6/1/2022
OPD NG15–02 (Garden Banks)—6/1/2022
OPAD NG15–02 (Garden Banks)—6/1/2022
OPD NG15–03 (Green Canyon)—6/1/2022
OPAD NG15–03 (Green Canyon)—6/1/2022
OPD NH15–10 (Bay City)—6/1/2022
OPAD NH15–10 (Bay City)—6/1/2022
OPD NH15–11 (Bouma Bank)—6/1/2022
OPAD NH15–11 (Bouma Bank)—6/1/2022
OPD NH15–12 (Ewing Bank)—6/1/2022
OPAD NH15–12 (Ewing Bank)—6/1/2022
OPD NH15–07 (Houston)—6/1/2022
OPAD NH15–07 (Houston)—6/1/2022
OPD NH15–08 (Port Arthur)—6/1/2022
OPAD NH15–08 (Port Arthur)—6/1/2022
OPD NH15–09 (New Orleans)—6/1/2022
OPAD NH15–09 (New Orleans)—6/1/2022
OPD NH16–10 (Mississippi Canyon)—6/1/2022
OPAD NH16–10 (Mississippi Canyon)—6/1/2022
OPD NH16–07 (Viosca Knoll)—6/1/2022
OPAD NH16–07 (Viosca Knoll)—6/1/2022

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2022–17853 Filed 8–18–22; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2022–0041]

Research Lease on the Outer Continental Shelf (OCS) in the Gulf of Maine, Request for Competitive Interest (RFCI)

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Requests for competitive interest and public comment.

SUMMARY: This notice describes the State of Maine's proposal for an OCS lease in the Gulf of Maine to conduct wind energy research activities; invites indications of interest in acquiring a commercial wind energy lease within an area of approximately 68,320 acres identified in the ''Description of the RFCI Area'' section of this notice, which includes the area identified by Maine (hereinafter, the ''RFCI Area''); and solicits public input regarding Maine's proposal, the potential for commercial leasing in the RFCI Area, the potential resultant environmental impacts, and other uses of the area.

DATES: Submissions indicating your interest in acquiring a commercial wind energy lease within the RFCI Area, as well as all other comments and information, must be received by BOEM no later than October 3, 2022. BOEM may not consider late submissions.

ADDRESSES: Please submit indications of interest in acquiring a commercial wind energy lease within the RFCI Area electronically via email to *renewableenergy@boem.gov* or hard copy by mail to the following address: Zachary Jylkka, Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 45600 Woodland Road, Mailstop: VAM–OREP, Sterling, VA 20166. If you elect to mail a hard copy, also include an electronic copy on a portable storage device.

Please submit comments or other information concerning research or commercial activities within the RFCI Area by either of the following two methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BOEM–2022–0041 and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

2. *By mail to the following address:* Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 45600 Woodland Road, Mailstop: VAM–OREP, Sterling, VA 20166.

Treatment of confidential information is addressed in the section of this notice entitled ''Protection of Privileged or Confidential Information.'' BOEM will post all comments on *regulations.gov* unless labeled as confidential.

FOR FURTHER INFORMATION CONTACT: Zachary Jylkka, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (978) 491–7732, or *zachary.jylkka@boem.gov.*

SUPPLEMENTARY INFORMATION: If you are interested in acquiring a commercial wind energy lease within the RFCI Area, you should submit detailed and specific information as described in the section of this notice entitled ''Required Information for Indication of Competitive Interest.'' BOEM will list on its website the parties that submit indications of competitive interest within the RFCI Area after BOEM reviews the qualification documents of each entity indicating competitive interest. If you are submitting other information, you should submit it as described in the section entitled ''Requested Information from the Public and Other Interested or Affected Parties.''

Purpose of This Request for Competitive Interest

Responses to this RFCI will enable BOEM to determine, pursuant to subsection 8(p)(3) of the OCS Lands Act, whether there is competitive interest in acquiring a commercial wind energy lease in the RFCI Area. If BOEM determines there is no competitive interest for a commercial wind energy lease, BOEM may decide to continue the research leasing process as provided in 30 CFR 585.238(d). However, if there is competitive interest in developing a commercial wind energy project within the RFCI Area, BOEM may decide to offer a commercial lease anywhere in the RFCI Area using either the competitive or non-competitive leasing process (see the ''Determination of Competitive Interest and Leasing Process'' section below for more details).

This notice also provides an opportunity for interested stakeholders to comment on the Research Array proposed by the State of Maine or future commercial activities in the RFCI Area, and the potential impacts of these activities. BOEM will consider all comments received when deciding whether and how to move forward with the research leasing process, competitive leasing process, or non-competitive leasing process.

This notice is issued in response to the State of Maine's proposal. This notice is not associated with the expected 2024 commercial lease sale in the Gulf of Maine identified in the Department of the Interior's Offshore Wind Leasing Path Forward 2021–2025. (*https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/OSW-Proposed-Leasing-Schedule.pdf*). The next step in that process is the publication of a request for interest (RFI) for the Gulf of Maine in the **Federal Register**, which is being released concurrently with this notice [Docket No. BOEM–2022–0040]. The RFI specifies information that is required to be submitted by entities wishing to acquire a commercial lease within the RFI Area. If, however, in response to this RFCI, BOEM determines that competitive interest exists, BOEM may decide to include the RFCI Area in the Call for Information and Nominations issued as part of the Gulf of Maine commercial planning and leasing process that will follow the RFI.

Background

In October 2021, BOEM received an application from the State of Maine, Governor's Office of Policy Innovation and the Future, for a renewable energy research lease to accommodate an array of floating offshore wind turbines (Research Array) on the OCS offshore the coast of Maine. The application covers an area of approximately 9,700 acres located more than 20 nautical miles (nm) offshore and would consist of up to 12 floating offshore wind turbines capable of generating up to 144 megawatts (MW) of renewable energy. In June 2021, Governor Mills signed Legislative Document 336, which directs the Maine Public Utilities Commission to enter into contract negotiations for a power purchase agreement for energy generated (up to 144 MW) from the Research Array should the state's application be successful. As stated in the application, Maine has ambitious renewable energy goals and views offshore wind as an important component of its strategy to address climate change. Water depths in the Gulf of Maine will require floating offshore wind foundations, a relatively new technology. In pursuing the development of the Research Array, the state hopes to position itself as a hub for floating offshore wind development in the region, while advancing a set of informed best practices and standards for commercial-scale floating offshore wind projects in the Gulf of Maine for use in planning, permitting, and constructing commercial-scale projects in a fashion that optimizes coexistence with traditional marine users and the ecosystem.

This RFCI is published pursuant to subsection 8(p)(3) of the OCS Lands Act (43 U.S.C. 1337(p)(3)) and BOEM's implementing regulations at 30 CFR 585.231 and 585.238. Subsection 8(p)(3) of the OCS Lands Act requires OCS renewable energy leases, easements, and rights-of-way (ROW) to be issued ''on a competitive basis unless the Secretary determines after public notice of a lease, easement, or right-of-way that there is no competitive interest.'' This RFCI provides public notice of the proposed research area that the State of Maine

requested and invites the submission of indications of competitive interest in a commercial wind energy lease within the RFCI Area. BOEM will consider the responses to this notice to determine whether competitive interest exists in any portion of the RFCI Area. This notice also requests that interested and affected parties comment and provide information about site conditions and existing and future uses of the RFCI Area that would be relevant to the proposed research activities by the State of Maine and/or other potential commercial offshore renewable wind energy projects.

Statutory Authorization

Under OCS Lands Act section 8(p)(1)(C), the Secretary of the Interior (the Secretary) may issue leases, easements, and ROWs for activities that produce or support production, transportation, or transmission of energy from sources other than oil or gas, including renewable energy sources. Section 8(p)(8) also requires the Secretary to issue any necessary regulations to carry out this authority. Regulations were issued for this purpose on April 29, 2009, and are codified in BOEM regulations at 30 CFR part 585. The Secretary has delegated the authority to issue leases, easements, and ROWs to the Director of BOEM.

State of Maine's Proposed Research Activities

The State of Maine's proposed research activities are described in its application for an OCS renewable energy research lease, which is available at the following URL: *https://www.boem.gov/renewable-energy/state-activities/gulf-maine/state-maine-research-lease-application.*

Over the course of approximately a year, the State of Maine completed a site identification process that included three stages. The process began with identifying an Area of Interest (approximately 492,800 acres) that considered the feasibility of grid connection and that has a minimum water depth of 150 feet for floating turbine technology at a distance of 20 to 40 miles from the coast of Maine. Second, the state conducted a series of public meetings and directed stakeholder engagement to identify a Narrowed Area of Interest (34,596 acres). Third, the state considered feedback on the Narrowed Area of Interest and bathymetric data, while setting a 16-square-mile area limit and a geometric pattern for a 12-turbine array. From those data and parameters, the state identified the preferred site for the Research Array (9,728 acres) and requested the area in its research lease application.

In reviewing the research lease application, and in coordination with other Federal agencies with trust resources and equities in the Gulf of Maine, BOEM identified a potential conflict between the location of the proposed Research Array site and the existing Traffic Separation Scheme (TSS) for maritime traffic entering and exiting the port of Portland, Maine. While the proposed Research Array is narrowly outside of the United States Coast Guard (USCG) recommended Marine Planning Guideline buffers for a TSS, prevailing traffic patterns conflict with the State of Maine's proposed site. BOEM will continue to consult with the USCG and seek additional comment from the commercial maritime industry about the proposed Research Array location and any alternative locations through this RFCI. BOEM is also including in the RFCI Area the OCS blocks that intersect with the State of Maine's previously identified ''Narrowed Area of Interest'' (Figure 1).

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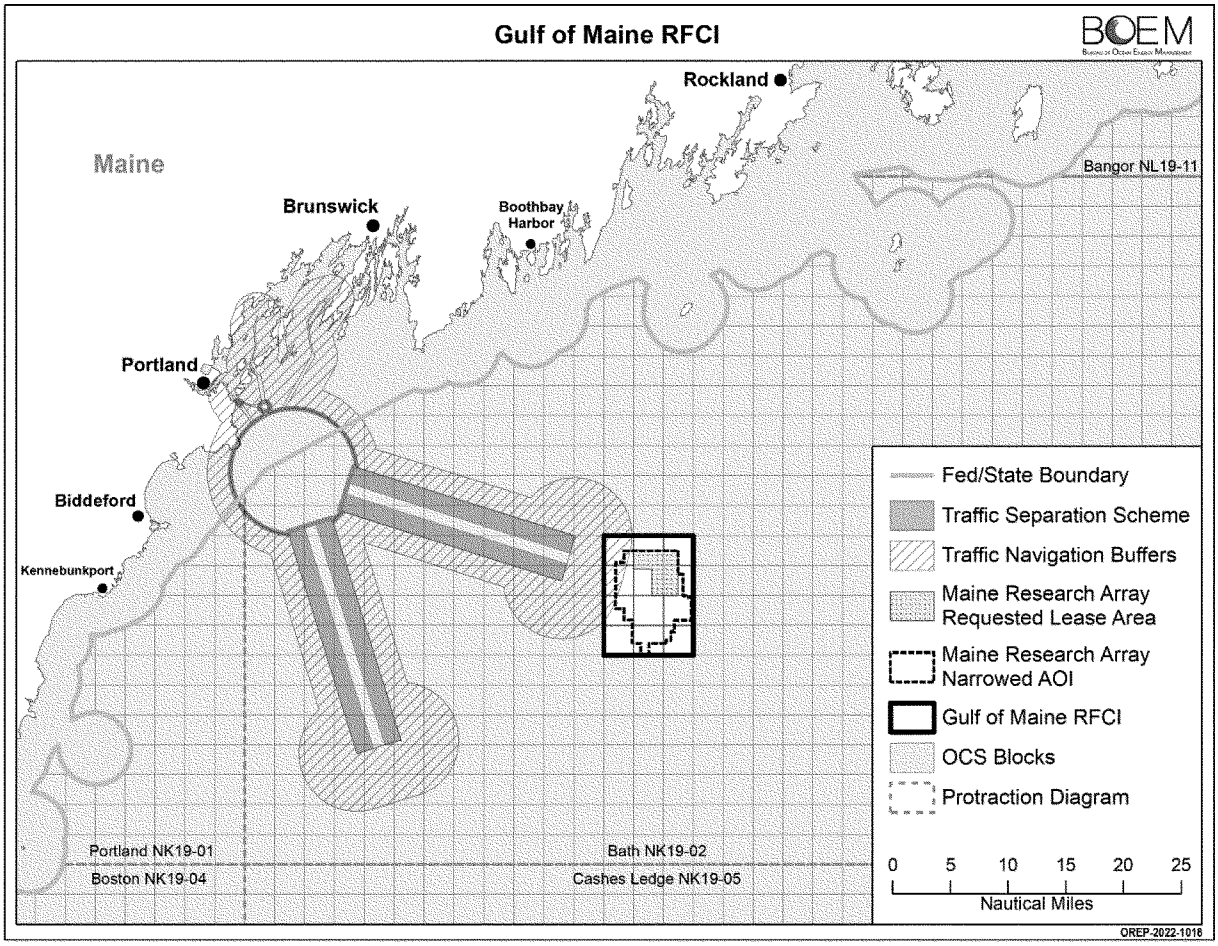

Figure 1: Request for Competitive Interest Area, Including Maine's Requested Research Lease Area, Narrowed Area of Interest, and Traffic Separation Scheme

The RFCI Area is larger than the area proposed by the State of Maine and allows for the consideration of indications of competitive interest in a commercial wind energy lease or, if BOEM determines that there is no competitive interest, a research lease for a project that would avoid or minimize the potential conflicts of use associated with the TSS. In analyzing the RFCI area, BOEM has determined that only one project, approximately the size of the State of Maine's research lease proposal (*i.e.,* no more than 10,000 acres and no more than 12 floating turbines), could be accommodated while avoiding or minimizing adverse effects on the TSS, and while allowing siting flexibility to avoid other potential conflicts that may arise (*e.g.,* commercial fishing activity, sensitive benthic habitat). Therefore, BOEM will consider issuance of only one lease and for no more than one project that achieves the same purpose as described in the Required Information for Indication of Competitive Interest section of this RFCI, due to the potential use conflicts that the USCG has identified might arise from locating the proposed project in proximity of the TSS (either as a research lease, or, if BOEM determines competitive interest through this RFCI, as a commercial lease).

Description of the RFCI Area

The RFCI Area consists of 12 OCS blocks (each block is approximately 3 nm by 3 nm), which are identified in the following table and figure below (Table 1; Figure 2). The combined area of these blocks is approximately 68,320 acres.

TABLE 1—PROTRACTION NAME/NUMBER AND OCS BLOCK NUMBERS OF THE RFCI AREA

Protraction name	Protraction No.	Block No.
Bath	NK19–02	6613
Bath	NK19–02	6614
Bath	NK19–02	6615
Bath	NK19–02	6663
Bath	NK19–02	6664
Bath	NK19–02	6665
Bath	NK19–02	6713
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Bath	NK19–02	6765

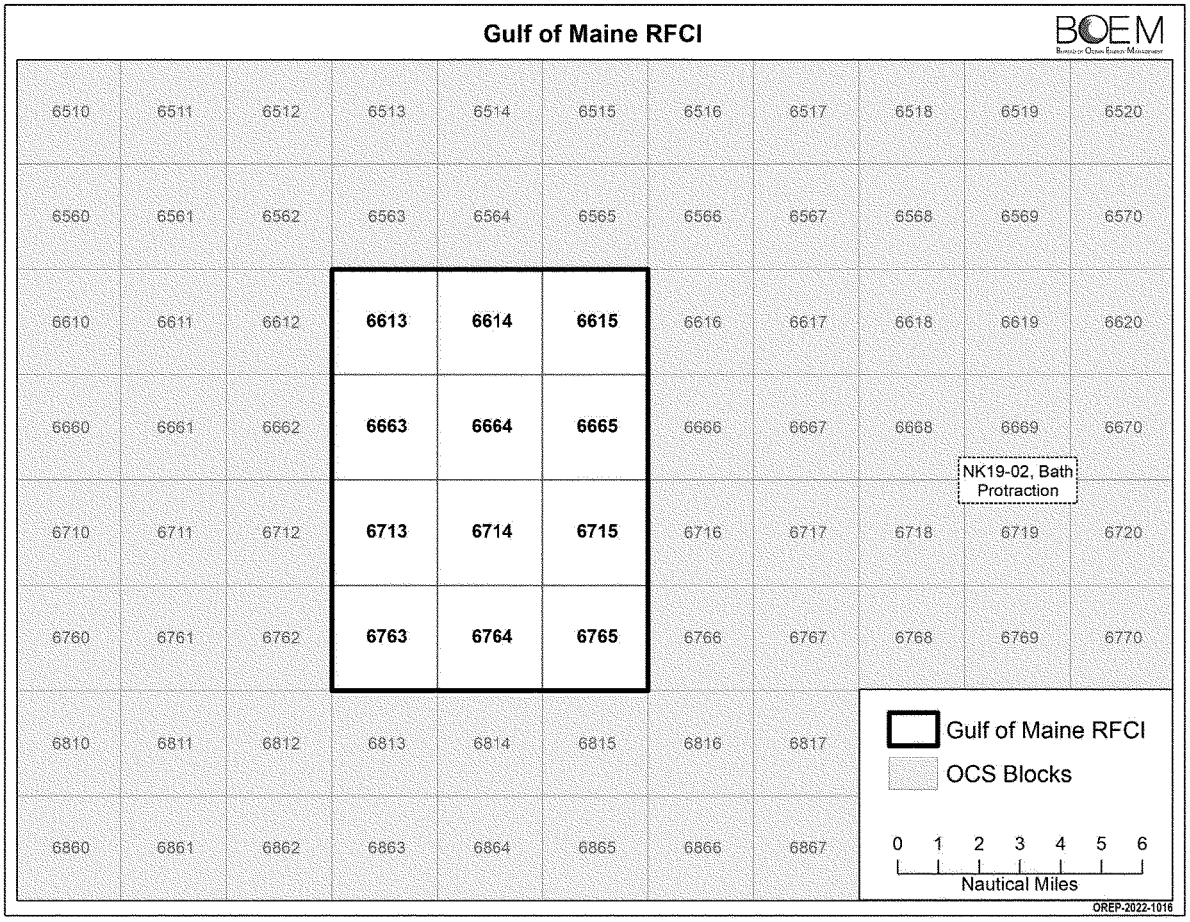

Figure 2: Outer Continental Shelf Blocks for the Gulf of Maine Request for Competitive Interest

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Required Information for Indication of Competitive Interest

If you intend to submit an indication of competitive interest for a commercial wind energy lease within the RFCI Area, you must provide the following:

1. A general description of your objectives and the facilities that you would use to achieve those objectives;

2. A general schedule of proposed activities;

3. Available and pertinent data and information concerning renewable energy resources and environmental conditions in the area that you wish to lease, including energy and resource data and information used to evaluate the area of interest. Where applicable, spatial information should be submitted in a format compatible with ArcGIS 10.8 or ArcGIS Pro 2.7 in a geographic coordinate system (NAD 83);

4. Acceptable documentation demonstrating that you are legally, technically, and financially qualified pursuant to 30 CFR 585.106–107. Qualification materials should be developed in accordance with the guidelines available at *https://www.boem.gov/Renewable-Energy-Qualification-Guidelines/*. If you wish to protect the confidentiality of your comments or qualification materials, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information with the caption ''Contains Confidential Information'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in the section of this notice entitled, ''Protection of Privileged or Confidential Information.'' BOEM would regard information that is not labeled as privileged or confidential as suitable for public release. For examples of documentation appropriate for demonstrating your legal qualifications and related guidance, contact Gina Best, BOEM Office of Renewable Energy Programs at *gina.best@boem.gov* or 703–787–1341.

5. A conceptual Research Framework—BOEM recognizes the value of research, including many of the research priorities outlined in the State of Maine's research lease application. BOEM believes that information generated from such research can be used to facilitate responsible and expeditious commercial offshore wind energy development in the Gulf of Maine, as well as the deployment of floating offshore wind technology nationwide (*e.g.,* Pacific region). Therefore, BOEM is requesting that all indications of competitive interest in a commercial wind energy lease that is within the RFCI area include a conceptual Research Framework that describes an approach for addressing the representative research questions, topics, and priorities listed below. The conceptual Research Framework must contain sufficient detail to demonstrate an ability to design and carry out a project that addresses all of the questions and topics below (5 a–c), commensurate with the Research

Framework Maine submitted to BOEM in Appendix A of its research lease application, (*i.e.,* it must go beyond a simple commitment and provide a conceptual plan for exploring and answering the research questions and topics). You must also include a statement informing BOEM of your willingness to execute a lease instrument with research attributes, such as those described in the conceptual Research Framework, if you are awarded a commercial lease as a result of this RFCI (competitively or noncompetitively).

a. Human Dimensions, including but not limited to:

i. Evaluation of impacts to fisheries—include a description of the proposed project that would allow for study of coexistence of the proposed project with existing ocean users. Specifically address in your approach how you would evaluate the compatibility of the proposed project with various Gulf of Maine fisheries and gear types;

ii. Vessel traffic and navigation—include an approach to studying how disruptions to existing vessel traffic in the proposed project area could be avoided or minimized through wind turbine layout design, micrositing, the use of different anchor and mooring systems, etc.

iii. Socioeconomic impacts to coastal communities—include a research approach for evaluating potential impacts from the proposed project to:

1. shoreside infrastructure that supports existing ocean uses;

2. viewsheds; and

3. tourism.

iv. Infrastructure, supply chain, and workforce development—include an approach for using the information generated by or for the proposed project to evaluate:

1. workforce training and career transition requirements to allow local and state workers to take part in the assembly, fabrication, and installation of floating turbines in the Gulf of Maine long-term; and

2. port developments needed to support the proposed project, as well as larger industry development in the Gulf of Maine long-term (*e.g.,* infrastructure to support serial manufacturing of key floating wind turbine components).

v. Proposed project cost information, including the levelized cost of energy, cost of major offshore wind components and floating wind installation costs. Analysis should include how costs compare to a project of similar size with traditional bottom foundations.

b. Ecosystem and Environment, including but not limited to:

i. The potential effects of different phases of the proposed project's development, construction, operation, and decommissioning on habitat and the behavior and life cycles of animals (*e.g.,* target species of commercial and recreational fisheries, protected species) found within, and in proximity to, the proposed project area. Research should compare and evaluate how variations in turbine layout and technology deployment affect:

1. Changes in distribution and abundance of marine and avian species.

2. Attraction of marine and avian species.

3. Avoidance/displacement of marine and avian species.

4. Collision with marine and avian species.

5. Entanglement risk of marine mammals.

6. Hydrodynamic effects.

7. Entrainment and impingement of zooplankton.

8. Sensitive habitat disturbance.

c. Technology Development, including but not limited to:

i. Assessment of more than one type of floating foundation and consideration of which design(s) is (are):

1. Optimal for floating turbine foundation strength and stability for the intended installation and design life, considering all the possible loading conditions and other factors such as fatigue, corrosion, and marine biofouling under the meteorological ocean conditions of the area;

2. Scalable for larger turbines;

3. Readily transitioned to serial manufacturing;

4. Optimal for coexistence with other ocean users; and

5. Optimal for minimizing adverse effects to marine species and their habitat.

ii. Evaluation of different anchoring and mooring designs and materials, and assessment of which designs and/or materials:

1. Are optimal for coexistence with ocean users;

2. Are optimal for minimizing adverse effects to marine species and their habitat; and

3. Perform optimally in stress analyses with regard to strength, durability, fatigue, offsets, corrosion, and mooring line redundancy. Performance evaluation should also assess ability to mitigate and minimize interference with other structures, considering varying depths, wave, current and tidal amplitudes.

iii. Assessment of design and testing of floating turbine control systems.

iv. Assessment of subsea cables, both inter-array and export, and which designs and/or materials are optimal for:

1. Performance with respect to function, sufficient strength and fatigue resistance against loads from wave, current, soil conditions, vessel motions, etc.; and

2. Availability and resiliency of dynamic transmission cables, as well as required maintenance and options for monitoring.

v. Assessment of available monitoring technologies to detect and study required maintenance of the main components (*e.g.,* wind turbine, floating turbine foundation, mooring and cables, fisheries impacts, interactions with protected species, etc.).

6. Research Access and Open-Source Data

a. In order to maximize the benefit of the Research Framework to the public and the advancement of the offshore wind industry, BOEM anticipates that parties who are awarded a lease in the areas contemplated by this RFCI must commit to:

i. Collaboration with researchers whose research goals align with the key themes and topics of the Research Framework, and whose field work would not compromise the safety, construction, operation, or maintenance of the offshore wind facility.

ii. Making available to the public at no cost any data relating to the Research Framework that the lessee would not otherwise designate as exempt from disclosure under Exemption 4 of the Freedom of Information Act (FOIA). BOEM would reserve the right to resolve any disputes regarding the confidentiality of data under the FOIA Exemption 4 standard.

b. BOEM may also request that any lessee share survey, performance, and operations and maintenance data that is not otherwise captured by the requirements of the Research Framework.

7. A statement that you wish to acquire a commercial wind energy lease within the RFCI Area. For BOEM to consider your indication of interest, the proposed lease area must not exceed 10,000 acres and the proposal must include a maximum of 12 wind turbine generators, all of which must have floating foundations. The indication of interest may also include a proposal to install one or more meteorological ocean facilities.

8. A description of your plan to sell power generated from your project and documentation of any past experience securing power purchase agreements.

9. A statement expressing how a project you would propose for this site would be consistent with affected states' statutes, regulations, and policies

related to offshore energy and natural resource protection.

It is critical that you submit a complete indication of competitive interest so that BOEM may consider your submission in a timely manner. If BOEM reviews your submission and determines that it is incomplete, BOEM will inform you of this determination in writing. This notification will describe the information that BOEM wishes you to provide for BOEM to deem your submission complete and establish a deadline for completion, which will not be less than 15 business days from the date of BOEM's notice. If you do not meet this deadline, or if BOEM determines your second submission is also insufficient, BOEM may deem your submission invalid. In such a case, BOEM would not consider your submission.

Requested Information From the Public and Other Interested or Affected Parties

BOEM is also requesting from the public and other interested or affected parties specific and detailed comments regarding the following:

1. Research priorities and the associated justifications needed to advance floating offshore wind in the Gulf of Maine and in other areas of the OCS;
2. Geological and geophysical conditions (including bottom and shallow hazards) in the RFCI Area;
3. Known archaeological, historic, and/or cultural resource sites on the seabed in the RFCI Area;
4. Other uses of the RFCI Area, including commercial vessel usage, recreation, and commercial and recreational fisheries;
5. Potential impacts to existing communication cables;
6. Department of Defense (DoD) operational, training, and testing activities (surface and subsurface) that occur in the RFCI Area that may be impacted by research and commercial activities;
7. Impacts from potential renewable energy development on future uses of the area; and
8. Other relevant environmental and socioeconomic information.

Multiple Use Considerations

Early consultation by the State of Maine and BOEM has highlighted the following multiple use considerations:

a. Maritime Navigation

Shipping traffic occurs within the vicinity of the State of Maine's proposed Research Array and the RFCI Area. As noted above, in reviewing the State of Maine's research lease application and through coordination with USCG, BOEM identified a potential conflict between the proposed Research Array site and the existing TSS for maritime traffic entering and exiting the Port of Portland. BOEM plans to consult with the USCG and seek additional comments from the commercial maritime industry about the proposed Research Array location and RFCI Area as a whole to determine if this potential conflict can be avoided or minimized.

b. Department of Defense

DoD conducts offshore testing, training, and operations in the Atlantic OCS. BOEM would consult with DoD on any activities proposed within the RFCI Area to ensure that they are compatible with DoD activities. At the State of Maine's request, DoD conducted a review of the proposed Research Array area and provided the following requests on behalf of the Department of the Navy (Navy):

- Site the wind turbines as far east as possible in the proposed lease area to minimize encroachment upon the Navy's sea trial activities.
- Agree to the curtailment (not spinning) of the wind turbines during the Navy's sea trials. Estimated requirement for curtailment is 250 hours/year.
- Cooperate with the Navy to assess the potential for wind turbines to impact shipboard radar.
- Allow the Navy to conduct a review of the business entities involved with the proposed project to assess foreign ownership, influence, or control in order to protect defense capabilities.

Additional DoD review of the RFCI Area will be necessary, which may result in additional requests and recommendations.

c. Protected Resources

Several species of birds, marine mammals, sea turtles, and fish listed as threatened or endangered under the Endangered Species Act (ESA) may occur permanently or seasonally in the RFCI Area, including:

- Piping plover (*Charadrius melodus*)
- Red knot (*Calidris canutus rufa*)
- Roseate tern (*Sterna dougallii dougallii*)
- Atlantic sturgeon (*Acipenser oxyriynchus oxyriynchus*)
- Atlantic salmon (*Salmo salar*)
- Green sea turtle (*Chelonia mydas*)
- Kemp's ridley sea turtle (*Lepidochelys kempii*)
- Leatherback sea turtle (*Dermochelys coriacea*)
- Loggerhead sea turtle (*Caretta caretta*)
- North Atlantic right whale (*Eubalaena glacialis*) (including North Atlantic right whale critical habitat)
- Fin whale (*Balaenoptera physalus*)
- Sei whales (*Balaenoptera borealis*)
- Blue whale (*Balaenoptera musculus*)
- Sperm whale (*Physeter macrocephalus*)

Protection of such species falls within the jurisdiction of the United States Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS). In addition to ESA-listed species, the area likely contains, seasonally or permanently, seabirds protected under the Migratory Bird Treaty Act and marine mammals protected under the Marine Mammal Protection Act. BOEM will coordinate with USFWS and NMFS to avoid, minimize, and/or mitigate potential impacts to the resources under their jurisdiction.

d. Fisheries and Essential Fish Habitat

Portions of the RFCI Area are used by the commercial and recreational fishing industry, and NMFS has designated essential fish habitat (EFH) in much of the area. BOEM will consult with NMFS to identify measures to avoid and minimize impacts on EFH during the siting and installation phases of development. This notice also provides an opportunity for interested stakeholders to provide comments on the RFCI area, including information relating to potential environmental consequences from the proposed project on existing geological, geophysical, and biological (habitat and species) conditions, as well as any potential impacts to existing ocean users (*e.g.,* fishing industry and mariners) in the RFCI Area.

Determination of Competitive Interest and Leasing Process

BOEM will evaluate indications of competitive interest in accordance with 30 CFR 585.231, including the requirements in this RFCI. Indications of competitive interest must be limited to areas wholly within the RFCI Area, must propose a project that will use floating wind turbines, and must meet the criteria set forth in the section entitled, ''Required Information for Indication of Competitive Interest.'' At the conclusion of the comment period for this notice, BOEM will review the submissions received to ensure that they are complete and that the submitters are qualified to hold a lease under 30 CFR 585.106–585.107, and then will determine whether competitive interest exists. As stated in the ''State of Maine's Proposed Research Activities'' section above, BOEM will consider issuance of one lease for no more than one project

within the RFCI Area due to the potential conflicts of use that have been identified by the USCG in locating a proposed project in proximity to the TSS (either as a research lease, or, if BOEM determines there is competitive interest through this RFCI, as a commercial lease). If, in response to this RFCI, BOEM receives two or more indications of competitive interest from qualified entities that wish to develop a commercial wind energy project in the RFCI Area, BOEM may decide to move forward with the competitive lease issuance process following the procedures set forth in 30 CFR 585.211. If so, BOEM may include the RFCI Area as part of the commercial leasing process for the Gulf of Maine (see ''Purpose of this Request for Competitive Interest'' section above). If BOEM receives only one indication of competitive interest, it may contact the respondent and ask if they wish to proceed with acquiring a commercial lease. However, if the respondent does not wish to proceed, BOEM may determine that there is no competitive interest in the RFCI Area and publish a **Federal Register** notice of Determination of No Competitive Interest. At that point, after appropriate environmental review and consultation, BOEM may decide to continue with issuance of a research lease to the State of Maine using the procedures set forth in 30 CFR 585.238. If BOEM issues a research lease, the State of Maine would be required to conduct any construction and operation activities on the research lease pursuant to a BOEM-approved plan.

Regardless of whether BOEM decides to issue the research lease or to continue with the competitive lease issuance process, BOEM will consult and coordinate with relevant Federal agencies, affected Tribes, and affected state and local governments in issuing a lease; developing lease terms and conditions; and deciding whether to approve, disapprove, or approve with modifications any activities proposed on the lease.

Environmental Review and Permitting Process

Prior to issuing any lease or authorizing any construction activities on that lease, BOEM would conduct a site-specific environmental review under the National Environmental Policy Act, during which it would act as the lead agency, coordinate with cooperating or consulting Federal agencies, and provide additional opportunities for public comment. BOEM would also participate in associated consultations under the Coastal Zone Management Act, the ESA, the Magnuson-Stevens Fishery Conservation and Management Act, the National Historic Preservation Act (NHPA), Executive Order 13175, and other laws, regulations, and authorities determined necessary throughout the process.

Protection of Privileged or Confidential Information

Freedom of Information Act

BOEM will not disclose privileged or confidential information that you submit if it qualifies for FOIA exemption for trade secrets and commercial or financial information, provided that you clearly label the submission with ''Contains Confidential Information'' and request that BOEM treat it as confidential. Please consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such confidential or privileged information. Additionally, BOEM will not treat as confidential (1) the legal title of the nominating entity (for example, the name of your company), or (2) the list of whole or partial blocks pertaining to your indication of competitive interest. Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

Personally Identifiable Information

BOEM does not consider anonymous comments; please include your name and address as part of your submittal. You should be aware that your entire comment, including your name, address, and any personally identifiable information (PII), may be made publicly available at any time. Even if BOEM withholds your information in the context of this RFCI, your submission is subject to the FOIA, and if your submission is requested under the FOIA, your information will only be withheld if a determination is made that one of the FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

In order for BOEM to consider withholding from disclosure your PII, you must identify, in a cover letter, any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequence(s) of the disclosure of information, such as embarrassment, injury, or other harm. Please do so in your transmittal letter, rather than in the comment itself. Note that BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

National Historic Preservation Act (16 U.S.C. 470w–3(a))

BOEM is required, after consultation with the Secretary, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities should designate information that is covered by Section 304 of the NHPA as confidential.

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2022–17922 Filed 8–18–22; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–680 (Final)]

Sodium Nitrite From Russia

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of sodium nitrite from Russia provided for in subheading 2834.10.10 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be subsidized by the government of Russia.[2]

Background

The Commission instituted this investigation effective January 13, 2022, following receipt of a petition filed with the Commission and Commerce by Chemtrade Chemicals US LLC, Parsippany, New Jersey. The Commission scheduled the final phase of the investigation following notification of a preliminary

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 87 FR 38375 (June 28, 2022).

determination by Commerce that imports of sodium nitrite from Russia were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 20, 2022 (87 FR 23567). The Commission conducted its hearing on June 21, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in this investigation on August 15, 2022. The views of the Commission are contained in USITC Publication 5342 (August 2022), entitled *Sodium Nitrite from Russia: Investigation No. 701–TA–680 (Final).*

By order of Commission.

Issued: August 15, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–17814 Filed 8–18–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1167 (Rescission)]

Certain Laparoscopic Surgical Staplers, Reload Cartridges, and Components Thereof; Notice of Commission Determination To Institute a Rescission Proceeding; Rescission of the Remedial Orders; Termination of the Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding and to grant an unopposed petition to rescind the limited exclusion order (''LEO'') and cease and desist orders (''CDOs'') (collectively, ''the remedial orders'') issued in the underlying investigation. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 5, 2019, based on a complaint filed by Ethicon LLC of Guaynabo, PR; Ethicon Endo-surgery, Inc. of Cincinnati, Ohio; and Ethicon US, LLC of Cincinnati, Ohio (collectively, ''Ethicon''). 84 FR 32220 (July 5, 2019); *see also* 84 FR 65174 (Nov. 26, 2019) (amending the caption). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain reload cartridges for laparoscopic surgical staplers by reason of infringement of one or more claims of U.S. Patent Nos. 9,844,379 (''the '379 patent''); 9,844,369; 7,490,749; 8,479,969; and 9,113,874. 84 FR at 32220. The Commission's notice of investigation named the following as respondents: Intuitive Surgical Inc. of Sunnyvale, CA; Intuitive Surgical Operations, Inc. of Sunnyvale, CA; Intuitive Surgical Holdings, LLC of Sunnyvale, CA; and Intuitive Surgical S. De R.L. De C.V. of Mexicali, Mexico (collectively, ''Intuitive''). *Id.* The Office of Unfair Import Investigations did not participate in this investigation. *Id.*

On October 14, 2021, the Commission issued a final determination finding a violation of section 337 with respect to certain laparoscopic surgical staplers, reload cartridges, and components thereof that infringed certain claims of the '379 patent. The Commission issued an LEO against respondents' infringing articles and CDOs against Intuitive. The Commission concurrently suspended enforcement of those orders pending the final resolution of a Final Written Decision issued by the Patent Trial and Appeal Board (''PTAB'') of the U.S. Patent and Trademark Office on March 26, 2021, finding all claims of the '379 patent to be unpatentable.

On May 23, 2022, the United States Court of Appeals for the Federal Circuit affirmed the PTAB's Final Written Decision finding the claims of the '379 patent unpatentable. *Ethicon LLC* v. *Intuitive Surgical, Inc.,* Nos. 2021–1995, 2021–1997, 2022 WL 1613188 (Fed. Cir. May 23, 2022). The Federal Circuit issued its mandate in that appeal on June 29, 2022, and Ethicon has since indicated that it does not intend to seek further review of the decision.

On July 18, 2022, Intuitive filed an unopposed petition to rescind the remedial orders as to the '379 patent based on a change of the conditions that led to the Commission's issuance of those orders, *i.e.,* the Federal Circuit's affirmance of the PTAB's finding that the claims of the '379 patent are unpatentable. No responses to the petition were filed.

Having reviewed the petition and the Federal Circuit's decision in *Ethicon LLC* v. *Intuitive Surgical, Inc.,* the Commission finds that the conditions which led to the issuance of the remedial orders no longer exist, and therefore, granting the unopposed petition to rescind is warranted under section 337(k) (19 U.S.C. 1337(k)). The Commission also finds that the requirements of Commission Rule 210.76(a) (19 CFR 210.76(a)) are satisfied. Accordingly, the Commission has determined to institute a rescission proceeding and to grant the petition to rescind the remedial orders. The rescission proceeding is terminated.

The Commission vote for this determination took place on August 15, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 15, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–17832 Filed 8–18–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans; Nominations for Vacancies

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an

Advisory Council on Employee Welfare and Pension Benefit Plans (the Council), consisting of 15 members appointed by the Secretary of Labor (the Secretary) as follows:

- Three representatives of employee organizations (at least one of whom shall be a representative of an organization whose members are participants in a multiemployer plan);
- Three representatives of employers (at least one of whom shall be a representative of employers maintaining or contributing to multiemployer plans);
- Three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan); and
- One representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting.

No more than eight members of the Council shall be members of the same political party.

Council members must be qualified to appraise the programs instituted under ERISA. Appointments are for three-year terms. The Council's prescribed duties are to advise the Secretary with respect to carrying out his functions under ERISA, and to submit to the Secretary, or his designee, related recommendations. The Council will meet at least four times each year.

The terms of five Council members expire at the end of this year. The groups or fields they represent are as follows:

(1) Employee organizations;
(2) employers;
(3) the general public;
(4) insurance; and
(5) accounting.

The Department of Labor is committed to equal opportunity in the workplace and seeks a broad-based and diverse Council. Selection of Council membership will be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

If you or your organization wants to nominate one or more people for appointment to the Council to represent one of the groups or fields specified above, submit nominations to Christine Donahue, Council Executive Secretary, as email attachments to *donahue.christine@dol.gov* or by mail to U.S. Department of Labor, 200 Constitution Ave. NW, Suite N–5700, Washington, DC 20210. Nominations must be received on or before October 3, 2022. If sending electronically, please use an attachment in rich text, Word, or pdf format. If sending by regular mail, please allow three weeks for mail delivery to the Department of Labor. Nominations may be in the form of a letter, resolution, or petition signed by the person making the nomination or, in the case of a nomination by an organization, by an authorized representative of the organization. The Department of Labor encourages you to include additional supporting letters of nomination. The Department of Labor will not consider self-nominees who have no supporting letters.

Nominations, including supporting letters, should:

- State the person's qualifications to serve on the Council (including any particular specialized knowledge or experience relevant to the nominee's proposed Council position);
- State that the candidate will accept appointment to the Council if offered;
- Include which of the five positions (representing groups or fields) you are nominating the candidate to fill;
- Include the nominee's full name, work affiliation, mailing address, phone number, and email address;
- Include the nominator's full name, work affiliation, mailing address, phone number, and email address;
- Include the nominator's signature, whether sent by email or otherwise.

Please do not include any information that you do not want publicly disclosed.

The Department of Labor will contact nominees for information on their political affiliation and their status as registered lobbyists. Anyone currently subject to federal registration requirements as a lobbyist is not eligible for appointment. Nominees should be aware of the time commitment for attending meetings and actively participating in the work of the Council. Historically, this has meant a commitment of at least 20 days per year. The Department of Labor has a process for vetting nominees under consideration for appointment.

Signed at Washington, DC this 10th day of August, 2022.

Ali Khawar,

Acting Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2022–17858 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Virtual Public Meeting of the Advisory Committee on Apprenticeship (ACA)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of a virtual public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given to announce a public meeting of the ACA to be held virtually on Tuesday, September 27, 2022. All meetings of the ACA are open to the public.

DATES: The meeting will begin at approximately 1 p.m. Eastern Daylight Time at *https://usdolevents.webex.com/usdolevents/j.phpMTID=m9024b2c60c3fd1e6a9d19c63c34a1e7a* and adjourn at approximately 5 p.m. Any updates to the agenda and meeting logistics will be posted on the Office of Apprenticeship's website at: *https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings.*

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer, Mr. John V. Ladd, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room C–5321, Washington, DC 20210; Email: *AdvisoryCommitteeonApprenticeship@dol.gov;* Telephone: (202) 693–2796 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The ACA is a discretionary committee reestablished by the Secretary of Labor on May 4, 2021, in accordance with FACA (5 U.S.C. App. 2 section 10), as amended in 5 U.S.C. App. 2, and its implementing regulations (41 CFR 101–6 and 102–3). The first meeting of the ACA was held on Wednesday, October 6, 2021; the second meeting of the ACA was held on Wednesday, January 26, 2022; and the third meeting of the ACA was held on Monday, May 16, 2022.

Instructions To Attend the Meeting

All meetings are open to the public. To promote greater access, webinar and audio conference technology will be used to support public participation in the meeting. The login instructions outlined below will also be posted prominently on the Office of Apprenticeship's website at: *https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings.* If individuals have special needs and/or disabilities that will require special

accommodations, please contact Kenya Huckaby at (202) 693–3795 or via email at *huckaby.kenya@dol.gov* no later than Tuesday, September 20, 2022.

Virtual Log-In Instructions: All meeting participants will join the meeting virtually using the link below. Please use the access code if you are joining by phone and use the event password if you are joining by computer.

Link: https://usdolevents.webex.com/usdolevents/j.php?MTID=m9024b2c60c3fd1e6a9d19c63c34a1e7a.

Telephone Users: VoIP or dial 877–465–7975; Access code: 2761 047 54.

Computer Users: Event password: Welcome!24.

Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending the data or comments to Mr. John V. Ladd via email at *AdvisoryCommitteeonApprenticeship@dol.gov* using the subject line ''September 2022 ACA Meeting.'' Such submissions will be included in the record for the meeting if received by Tuesday, September 20, 2022. See below regarding members of the public wishing to speak at the ACA meeting.

Purpose of the Meeting and Topics To Be Discussed

The primary purpose of the August meeting is to provide the ACA with Departmental updates on the ACA's May 2022 recommendations to the Department and discuss apprenticeship priorities for the upcoming year. Anticipated agenda topics for this meeting include the following:

- Call to Order
- Remarks from ETA Leadership
- Update on ACA Interim Report
- ACA Year Two Planning
- Subcommittee Breakouts
- Subcommittee Report Outs
- Public Comment
- Adjourn

The agenda and meeting logistics may be updated should priority items come before the ACA between the time of this publication and the scheduled date of the ACA meeting. All meeting updates will be posted to the Office of Apprenticeship's website at: *https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings.* Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Officer, Mr. John V. Ladd, via email at *AdvisoryCommitteeonApprenticeship@dol.gov,* by Tuesday, September 20, 2022. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–17857 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act (WIOA)

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ''Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 18, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Harlan Harrell by telephone at 202–693–5127(this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Harrell.Harlan.C@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by email to *Harrell.Harlan.C@dol.gov* or by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Workforce Innovation and Opportunity Act, 200 Constitution Ave. NW, Washington, DC 20210, Attn. OWI/DASG.

FOR FURTHER INFORMATION CONTACT: Harlan Harrell by telephone at 202–693–5127 (this is not a toll-free number) or by email at *Harrell.Harlan.C@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR collects the required information for the submission of Workforce Innovation and Opportunity Act (WIOA) State Plans and Modifications. The information covered includes the state's strategic focus for its public workforce system and then several key items for operationalizing the strategic goals. Information in the WIOA State Plan includes an overview of the state's governance structure, resources, programs, career pathways, and sector strategy initiatives. The ICR also includes assurances that the WIOA program in the state is compliant with statutory and regulatory requirements.

In January 2020, OMB approved OMB control number 1205–0522, which allows the Department of Labor and Department of Education (the Departments) to collect State Plans required by WIOA. OMB granted approval for the ICR through January 2023. U.S.C. 3101 (The Workforce Innovation and Opportunity Act) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0522.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act.

Form: N/A.

OMB Control Number: 1205–0522.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 38.

Frequency: Once.

Total Estimated Annual Responses: 38.

Estimated Average Time per Response: 215 hours.

Estimated Total Annual Burden Hours: 8170 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–17903 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Notice of Request Under the Freedom of Information Act for Federal Contractors' Type 2 Consolidated EEO–1 Report Data

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice.

SUMMARY: The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has received a request under the Freedom of Information Act (FOIA) from Will Evans of the Center for Investigative Reporting (CIR) for all Type 2 Consolidated Employer Information Reports, Standard Form 100 (EEO–1 Report), filed by federal contractors from 2016–2020. OFCCP has reason to believe that the information requested may be protected from disclosure under FOIA Exemption 4, which protects disclosure of confidential commercial information, but has not yet determined whether the requested information is protected from disclosure under that exemption. OFCCP is requesting that entities that filed Type 2 Consolidated EEO–1 Reports as federal contractors at any time from 2016–2020, and object to the disclosure of this information, submit those objections to OFCCP within 30 days of the date of this Notice.

DATES: Written objections to the FOIA request discussed herein are due September 19, 2022.

FOR FURTHER INFORMATION CONTACT: Candice Spalding, Deputy Director, Division of Management and Administrative Programs, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C–3325, Washington, DC 20210. Telephone: 1–855–680–0971 (voice) or 1–877 –889–5627 (TTY).

SUPPLEMENTARY INFORMATION:

Background

A. Background on the CIR FOIA Request and EEO–1 Reports

The FOIA request precipitating this Notice originated in January 2019, when Will Evans of CIR submitted a request for ''[a] spreadsheet of all consolidated (Type 2) EEO–1 reports for all federal contractors for 2016.'' CIR subsequently amended this request multiple times, most recently on June 2, 2022, to include Type 2 EEO–1 reports for all federal contractors, including first-tier subcontractors, from 2016–2020 (hereinafter ''Covered Contractors''). The Type 2 EEO–1 report is one of several different types of reports that multi-establishment employers must file annually, which consists of a consolidated report of demographic data for all employees at headquarters as well as all establishments, categorized by race/ethnicity, sex, and job category.

Title VII of the Civil Rights Act of 1964 provides statutory authority for the EEO–1 Reports. The Equal Employment Opportunity Commission (EEOC) enforces this employment nondiscrimination law. 42 U.S.C. 2000e-8(c). The EEOC's regulations require employers with 100 or more employees to file the EEO–1 Report with the EEOC. 29 CFR 1602.7. In addition, OFCCP's regulations require federal contractors [1] and first-tier subcontractors that are covered by Executive Order 11246 and that have 50 or more employees to file the EEO–1 Report. 41 CFR 60–1.7(a).

The EEO–1 Report ''is administered as a single data collection to meet the statistical needs of both agencies [EEOC and OFCCP].'' *See* EEOC, Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) and Comment Request, 81 FR 5113, 5114 (Feb. 1, 2016) (hereinafter First PRA Comment Request). OFCCP's regulations describe the EEO–1 Report as being ''promulgated jointly . . . [with] the Equal Employment Opportunity Commission.'' 41 CFR 60–1.7(a)(1); *see also* EEO–1 Joint Reporting Committee, EEO–1 Instruction Booklet 1, *https://www.eeoc.gov/employers/eeo1survey/upload/instructions_form.pdf* (describing the EEO–1 Report as ''jointly developed by the EEOC and OFCCP''). The EEO–1 Report is administered by the EEO–1 Joint Reporting Committee (JRC), which is composed of the EEOC and OFCCP and housed at the EEOC. EEOC, Agency Information Collection Activities: Notice of Submission for OMB Review, Final Comment Request: Revision of the Employer Information Report (EEO–1), 81 FR 45479, 45481 (July 14, 2016); First PRA Comment Request, 81 FR at 5113–14. Although the EEOC and OFCCP jointly collect the EEO–1 data through the JRC, as a practical matter, because the JRC is housed at the EEOC, employers submit their data to the EEOC.[2] *See* First

[1] Hereinafter, all references to ''contractors'' or ''federal contractors'' includes first-tier subcontractors as well, unless specified otherwise.

[2] The EEOC maintains a web-based portal for employers' submission of the EEO–1 Report at *https://www.eeoc.gov/employers/eeo1survey/index.cfm.* At present, employers submit their Component 1 data through the existing EEOC portal but submit their Component 2 data through a separate filing system at *https://eeoccomp2.norc.org/.*

Comment Request, 81 FR at 5118. After the JRC at the EEOC has collected and reconciled the EEO–1 data, the JRC provides the EEO–1 data of federal contractors to OFCCP.

Section 709(e) of Title VII of the Civil Rights Act of 1964 imposes criminal penalties and makes it unlawful for any officer or employee of EEOC from making public the employment data derived from any of its compliance surveys prior to the institution of any proceeding under EEOC's authority involving such information. However, this Title VII prohibition against disclosure applies by its terms only to officers and employees of EEOC, and reviewing courts have held that the provision does not apply to OFCCP. *See* 42 U.S.C. 2000e–8(e); *Sears, Roebuck & Co.* v. *General Services Admin.,* 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 data of federal contractors received by OFCCP are subject to the provisions of FOIA, meaning that members of the public may file FOIA requests asking OFCCP to disclose such records in its possession.

B. Legal Authorities Governing FOIA Requests for Potentially Commercial Confidential Information

Executive Order 12600 (E.O. 12600), published on June 23, 1987, established a formal process for notifying persons who submit confidential commercial information to the United States when that information becomes the subject of a FOIA request. 3 CFR 235 (1988), *reprinted in* 5 U.S.C. 552 note (2012 & supp. V 2017). Exemption 4 to the FOIA protects against the disclosure of ''trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.'' 5 U.S.C. 552(b)(4). E.O. 12600 is based on the principle that companies are entitled to notification and an opportunity to object to disclosure of this category of information before an agency makes a possible disclosure determination.

The Department's regulations implementing E.O. 12600 can be found at 29 CFR 70.26. These regulations require the agency to notify submitters of a FOIA request when it has reason to believe that the information requested *may* be protected from disclosure under Exemption 4, but has not yet made a determination. 29 CFR 70.26(d)(2). Further, the Department's regulations provide that when notification of a voluminous number of submitters is required, notice can be effectuated by posting and publishing it ''in a place reasonably calculated to accomplish notification.'' *Id.* at 70.26(j). Given OFCCP's best estimate that the CIR FOIA request covers approximately 15,000 unique Covered Contractors, OFCCP is fulfilling its notification obligation through this **Federal Register** notice, a contemporaneous posting on the OFCCP website [INSERT LINK], and notification to all federal contractors and federal contractor representatives that have registered and provided electronic mail contact information through the agency's Contractor Portal and/or have subscribed to OFCCP's GovDelivery electronic mail listserv.

Once notified, the Department's regulations state that submitters will be provided a reasonable time to respond to the notice. *Id.* at 70.26(e). If a submitter has any objection to disclosure, it is ''required to submit a detailed written statement as to why the information is a trade secret or commercial or financial information that is privileged or confidential.'' *Id.* If the agency receives a timely written objection, it will give careful consideration to the objection prior to making a decision whether the requested information should be disclosed or withheld under FOIA Exemption 4. Exec. Order No. 12,600, § 5. If the agency determines that disclosure is appropriate notwithstanding the submitter's objection, the agency will provide the submitter written notice of the reason for the decision, and a specified disclosure date that is a reasonable time subsequent to the notice. 29 CFR 70.26(f).

Two recent court decisions may be helpful for Covered Contractors to consider in determining whether information may be withheld under Exemption 4. In *Food Marketing Institute* v. *Argus Leader Media,* 139 S.Ct. 2356 (2019), the Supreme Court addressed the meaning of the word ''confidential'' in the context of FOIA Exemption 4. The Supreme Court held that the term ''confidential,'' which is undefined in the FOIA statute, should follow the term's ''ordinary, contemporary, common meaning'' at the time Congress enacted FOIA in 1966. The Court went on to state that ''[t]he term 'confidential' meant then, as it does now, 'private' or 'secret.' '' *Id.* at 2363. Following the Court's decision, the U.S. Department of Justice issued step-by-step guidance for Federal agencies to determine whether commercial or financial information provided by a person is ''confidential'' under Exemption 4. U.S. Department of Justice, Step-By-Step Guide for Determining if Commercial or Financial Information Obtained from a Person is Confidential Under Exemption 4 of the FOIA, last updated Oct. 7, 2019 (available at *https://www.justice.gov/oip/step-step-guide-determining-if-commercial-or-financial-information-obtained-person-confidential*).

The other relevant court decision arose in the course of previous litigation between the Department and CIR. In *Center for Investigative Reporting* v. *U.S. Dep't of Labor,* 424 F. Supp. 3d 771 (N.D. Cal. 2019), the district court addressed whether Type 2 Consolidated EEO–1 Reports of 10 federal contractors could be withheld under FOIA Exemption 4. After reviewing the evidence before it, including an extended discussion of declarations from several of the objecting submitters, many of which the court described as ''conclusory'' and containing ''verbatim rationale,'' the district court held that the evidence did not support a finding that the EEO–1 reports were commercial, and thus the 10 Type 2 EEO–1 Reports at issue could not be withheld under FOIA Exemption 4. *Id.* at 778–79.[3]

Process for Submitting Objections to the CIR FOIA Request

Consistent with Executive Order 12600 and the Department's regulations, OFCCP is hereby notifying Covered Contractors of the CIR FOIA request. Covered Contractors have 30 days from the date of this Notice, or September 19, 2022, to submit to OFCCP a written objection to the disclosure of its Type 2 EEO–1 data. Written objections must be received by OFCCP no later than this date. To facilitate this process, OFCCP has created a web form through which Covered Contractors may submit written objections, which can be found at *https://www.dol.gov/agencies/ofccp/submitter-notice-response-portal.* OFCCP strongly encourages Covered Contractors that wish to submit written objections to utilize this web form to facilitate processing. Contractors may also submit written objections via email at *OFCCPSubmitterResponse@dol.gov,* or by mail to the contact provided in this notice. Regardless of the delivery system used, any objections filed by Covered Contractors must include the contractor's name, address, contact

[3] Following the district court's decision, one of the submitters attempted to intervene in the matter and appeal the decision to the Court of Appeals for the Ninth Circuit. However, the Ninth Circuit explicitly did not reach the merits of the district court decision regarding FOIA Exemption 4, ultimately dismissing the appeal because the attempted intervenor ''did not file a timely notice of appeal of the judgment in favor of CIR'' and thus concluding that ''[w]e therefore lack jurisdiction to hear the merits of that appeal.'' *Evans* v. *Synopsis,* 34 F.4th 762 (9th Cir. 2022). Accordingly, the district court decision remains the only case explicitly addressing the ''commerciality'' of EEO–1 Report data.

information for the contractor (or its representative), and should, at minimum, address the following questions in detail so that OFCCP may evaluate the objection to determine whether the information should be withheld or disclosed pursuant to FOIA Exemption 4:

1. What specific information from the EEO–1 Report does the contractor consider to be a trade secret or commercial or financial information?

2. What facts support the contractor's belief that this information is commercial or financial in nature?

3. Does the contractor customarily keep the requested information private or closely-held? What steps have been taken by the contractor to protect the confidentiality of the requested data, and to whom has it been disclosed?

4. Does the contractor contend that the government provided an express or implied assurance of confidentiality? If no, were there express or implied indications at the time the information was submitted that the government would publicly disclose the information?

5. How would disclosure of this information harm an interest of the contractor protected by Exemption 4 (such as by causing foreseeable harm to the contractor's economic or business interests)?

In the event that a Covered Contractor fails to respond to the notice within the time specified, it will be considered to have no objection to disclosure of the information. *See* 29 CFR 70.26(e). For Covered Contractors that do submit timely objections, OFCCP will independently evaluate the objection(s) submitted consistent with the agency's regulations described herein and other relevant legal authority. If OFCCP determines to disclose the information over the objection of the Covered Contractor, OFCCP will provide written notice to the Covered Contractor of the reasons the disclosure objections were not sustained, a description of the information that will be disclosed, and a specified disclosure date that is a reasonable time subsequent to the notice. *Id.* at 70.26(f).

Jenny R. Yang,

Director, Office of Federal Contract Compliance Programs.

[FR Doc. 2022–17882 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Exemption for Securities Lending by Employee Benefit Plans

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 19, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: In 1981 and 1982, the Department issued two related prohibited transaction class exemptions that permit employee benefit plans to lend securities owned by the plans as investments to banks and broker-dealers and to make compensation arrangements for lending services provided by a plan fiduciary in connection with securities loans. In 2006, the Department promulgated a final class exemption, PTE 2006–16, which amended and replaced the exemptions previously provided under PTE 81–6 and PTE 82–63. The final exemption incorporated the exemptions into one renumbered exemption and expanded the categories of exempted transactions to include securities lending to foreign banks and foreign broker-dealers that are domiciled in specified countries and to allow the use of additional forms of collateral, all subject to specified conditions outlined in the exemption. Among other conditions, the exemption requires a bank or broker-dealer that borrows securities from a plan to comply with certain recordkeeping and disclosure requirements. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 17, 2022 (87 FR 15267).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Prohibited Transaction Exemption for Securities Lending by Employee Benefit Plans.

OMB Control Number: 1210–0065.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 182.

Total Estimated Number of Responses: 1,820.

Total Estimated Annual Time Burden: 349 hours.

Total Estimated Annual Other Costs Burden: $18,191.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 12, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–17909 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemption for Residential Mortgage Financing Arrangements Involving Employee Benefit Plans

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 19, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Prohibited Transaction Class Exemption (PTE) 88–59, which amended and replaced PTE 82–87, permits employee benefit plans to invest plan assets in mortgage financing to purchasers of residential dwelling units, including multi-family residential units, by making or participating in loans directly or by purchasing such loans from a third party that is a party in interest to the plan. The exemption also allows the receipt by a plan of a fee in exchange for issuing such loan commitment. Among other conditions, the exemption requires a plan to comply with certain recordkeeping and disclosure requirements. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 17, 2022 (87 FR 15267).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Prohibited Transaction Class Exemption for Residential Mortgage Financing Arrangements Involving Employee Benefit Plans.

OMB Control Number: 1210–0095.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 2,289.

Total Estimated Number of Responses: 11,445.

Total Estimated Annual Time Burden: 7,630 hours.

Total Estimated Annual Other Costs Burden: $10,816.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 12, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–17910 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Access to Multiemployer Plan Information

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 19, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 101(k)(1) of ERISA requires multiemployer plan administrators to furnish certain documents to any plan

participant, beneficiary, employee representative, or any employer that has an obligation to contribute to the plan upon written request. Disclosure requirements are in the regulation at 29 CFR 2520.101–6(a), which requires multiemployer defined benefit and defined contribution pension plan administrators to furnish copies of certain actuarial and financial documents to plan participants, beneficiaries, employee representatives, and contributing employers upon request. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 17, 2022 (87 FR 15267).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Access to Multiemployer Plan Information.

OMB Control Number: 1210–0131.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 2,450.

Total Estimated Number of Responses: 221,478.

Total Estimated Annual Time Burden: 32,220 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 12, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–17911 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0025]

Proposed Extension of Information Collection: Applications For Permits To Fire More than 20 Boreholes and For Use of Non-permissible Blasting Units, Explosives, and Shot-Firing Units; and Posting Notices of Misfires

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Applications For Permits to Fire More than 20 Boreholes and For Use of Non-permissible Blasting Units, Explosives, and Shot-firing Units; and Posting Notices of Misfires.

DATES: All comments must be received on or before October 18, 2022.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2022–0035.
- *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.
- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Under Section 313 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Section 873, any explosives used in underground coal mines must be permissible. The Mine Act also provides that, under safeguards prescribed by the Secretary, the firing of more than 20 shots and the use of non-permissible explosives in sinking shafts and slopes from the surface in rock may be permitted. 30 CFR 75.1321 outlines the procedures by which a permit may be issued for the firing of more than 20 boreholes and for the use of non-permissible shot-firing units in underground coal mines. At surface coal mines and surface work areas of underground coal mines, 30 CFR 77.1909–1 outlines the procedures by which a coal mine operator may apply for a permit to use non-permissible explosives and/or shot-firing units in the blasting of rock during the development of shafts or slopes. Additionally, in the event of a misfire of explosives, 30 CFR 75.1327 requires that a qualified person post a warning to prohibit entry at each accessible entrance to the affected area.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Applications For Permits to Fire More than 20 Boreholes and For Use of Non-permissible Blasting Units, Explosives, and Shot-firing Units; and Posting Notices of Misfires. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection

of information, including the validity of the methodology and assumptions used;

• Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at DOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Applications For Permits to Fire More than 20 Boreholes and For Use of Non-permissible Blasting Units, Explosives, and Shot-firing Units; and Posting Notices of Misfires. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0025.

Affected Public: Business or other for-profit.

Number of Respondents: 41.

Frequency: On occasion.

Number of Responses: 42.

Annual Burden Hours: 41 hours.

Annual Respondent or Recordkeeper Cost: $150.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Song-Ae Aromie Noe,

Certifying Officer.

[FR Doc. 2022–17908 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0020]

Proposed Extension of Information Collection; Operations Mining Under a Body of Water

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Operations Mining Under a Body of Water.

DATES: All comments must be received on or before October 18, 2022.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

• *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2022–0034.

• *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

• MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

30 CFR 75.1716, 75.1716–1 and 75.1716–3 require operators of underground coal mines to provide MSHA notification before mining under bodies of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. The regulation is necessary to prevent the inundation of underground coal mines with water that has the potential of drowning miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; and a profile map showing the type of strata and the distance in elevation between the coal bed and the water involved. MSHA has provided an exemption from notification and permit application for mine operators where the projected mining is under any water reservoir constructed by a Federal agency as of December 30, 1969, and where the operator is required by such agency to operate in a manner that adequately protects the safety of miners. The exemption for such mining is addressed by 30 CFR 75.1716 and 75.1717.

MSHA also encourages a mine operator to provide more information in an application. When the operator files an application for a permit, in addition to the information required under 30 CFR 75.1716–3, operators are also

encouraged to include a map of the active areas of the mine under the body of water showing the following: bottom of coal elevations (minimum 10-ft contour intervals); the limits of the body of water and the estimated quantity of water in the pool; the limits of the proposed ''safety zone'' within which precautions will be taken; overburden thickness (depth of cover) contours; corehole locations; and known faults, lineaments, and other geologic features.

If the body of water is contained within an overlying mine, then MSHA recommends a map of the overlying mine showing bottom of coal elevations (minimum 10-ft contour intervals), when available, corehole locations, the limits of the body of water with the estimated quantity of water in the pool, and interburden to active mine below be provided. Operators are also encouraged to submit the methods that were used to estimate the quantity of water in the pool, borehole logs, including geotechnical information (RQD, fracture logs, etc.) if available; rock mechanics data on the overburden, interburden, mine roof, and mine floor, if available; mining height of the seam being mined, pillar and floor stability analyses for the active mine, whether second mining is planned, whether mining will be conducted down-dip or up-dip, where water will flow to in the active mine if encountered, pumping capabilities for dewatering, a comprehensive evacuation plan for the miners, and a statement of what in-mine conditions would trigger the implementation of the evacuation plan, and training that will be provided to the miners regarding the potential hazards.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Operations Mining Under a Body of Water. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at DOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Operations Mining Under a Body of Water. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration

OMB Number: 1219–0020.

Affected Public: Business or other for-profit.

Number of Respondents: 50.

Frequency: On occasion.

Number of Responses: 50.

Annual Burden Hours: 275 hours.

Annual Respondent or Recordkeeper Cost: $680.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Song-ae Aromie Noe,

Certifying Officer.

[FR Doc. 2022–17907 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0001]

Proposed Extension of Information Collection; Certificate of Electrical Training

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Certificate of Electrical Training.

DATES: All comments must be received on or before October 18, 2022.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2022–0033.
- *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.
- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h)of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Under section 305(g) of the Mine Act, all electric equipment located at a coal mine shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. The determination of a person as qualified to examine, test, and maintain electric equipment at a coal mine is further defined under the provisions of Title 30 CFR 75.153 and 77.103.

Title 30 CFR 75.153 and 77.103 define a person as qualified to perform electrical work if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by MSHA; or if he has at least 1 year of experience performing electrical work underground in a coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

MSHA Form 5000–1 is completed and submitted by those individuals providing both the initial and subsequent annual training necessary to meet the requirements of Title 30 CFR 75.153 and 77.103 for individuals qualified to examine, test, and maintain electrical equipment. MSHA Form 5000–1 provides the coal mining industry with a standardized reporting format that expedites the certification process while ensuring compliance with the regulations. The information provided on the form enables MSHA to determine if the applicants satisfy the requirements to obtain the certification or qualification.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Certificate of Electrical Training. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at DOL–Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Certificate of Electrical Training. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0001.

Affected Public: Business or other for-profit.

Number of Respondents: 294.

Frequency: On occasion.

Number of Responses: 1,632.

Annual Burden Hours: 772 hours.

Annual Respondent or Recordkeeper Cost: $299.

MSHA Forms: MSHA Form 5000–1, Certificate of Electrical Training.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Song-Ae Aromie Noe,

Certifying Officer.

[FR Doc. 2022–17906 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

UL LLC: Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of UL LLC for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 6, 2022.

ADDRESSES: Submit comments by any of the following methods:

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

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

Please note: While OSHA's docket office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the rulemaking record by express delivery, hand delivery, and messenger service.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2009–0025). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Extension of comment period: Submit requests for an extension of the comment period on or before September 6, 2022 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that UL LLC (UL) is applying to expand the scope of its current recognition as a NRTL. UL requests the addition of two test standards to its NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following the requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including UL, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *https://www.osha.gov/dts/otpca/nrtl/index.html.* UL currently has thirteen facilities (sites) recognized by OSHA for product testing and certification, with headquarters located at: UL LLC, 333 Pfingsten Road, Northbrook, Illinois 60062. A complete list of UL sites recognized by OSHA is available at *https://www.osha.gov/dts/otpca/nrtl/ul.html.*

II. General Background on the Application

UL submitted an application, dated December 24, 2021, to expand recognition to include thirty-eight additional test standards (OSHA–2009–0025–0043). This application was amended on July 19, 2022 to separate two standards from the original request (OSHA–2009–0025–0044). The remaining thirty-six standards will be addressed in a separate **Federal Register** notice in the future. The current expansion under consideration, if approved, will cover two standards. OSHA staff performed a detailed analysis of the application packet and other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the test standards found in UL's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED TEST STANDARDS FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2272	Standard for Electrical Systems and Personal E-Mobility Devices.
UL 2849	Standard for Electrical Systems for eBikes.

III. Preliminary Findings on the Application

UL submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and related material preliminarily indicate that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of the test standards listed above for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of UL's application.

IV. Public Participation

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to no longer than 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, listed in **ADDRESSES.** These materials also are

generally available online at *https://www.regulations.gov* under Docket No. OSHA–2009–0025 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**),

OSHA staff will review all comments to the docket submitted in a timely manner and after addressing the issues raised by these comments, make a recommendation to the Assistant Secretary for Occupational Safety and Health on whether to grant UL's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17881 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0041]

FM Approvals LLC: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for FM Approvals LLC, as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–2110 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of FM Approvals LLC (FM) as a NRTL. FM's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including FM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

FM submitted an application dated November 3, 2021 (OSHA–2007–0041–0018), to expand their recognition to include one additional test standard. The standard requested in the expansion application is a replacement standard for ISA 12.12.01, which is currently included in FM's NRTL Scope of Recognition. OSHA staff performed detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing FM's expansion application in the **Federal Register** on June 17, 2022 (87 FR 36542). The agency requested comments by July 5, 2022, but it received no comments in response to this notice. OSHA is now proceeding with this final grant of expansion of FM's NRTL recognition.

To obtain or review copies of all public documents pertaining to the FM's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2007–0041 contains all materials in the record concerning FM's recognition. Please note: Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined FM's expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that FM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant FM's expanded scope of recognition. OSHA limits the expansion of FM's recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN FM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 121201	Nonincendive Electrical Equipment for Use in Class I and Class II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. FM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. FM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. FM must continue to meet the requirements for recognition, including all previously published conditions on FM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of FM as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17879 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

Eurofins Electrical and Electronic Testing NA, Inc. a/k/a MET Laboratories, Inc.: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for Eurofins Electronic Testing NA, Inc. a/k/a MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Eurofins Electrical and Electronic Testing NA, Inc. a-k/a MET Laboratories, Inc. (MET), as a NRTL. MET's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details the scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

MET submitted an application, dated November 1, 2021 (OSHA–2006–0028–0089), to expand the recognition to include one additional test standard. The standard requested in the expansion application is a replacement standard for ISA 12.12.01, which is currently included in MET's NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to the application.

OSHA published the preliminary notice announcing MET's expansion application in the **Federal Register** on June 17, 2022 (87 FR 36541). The agency requested comments by July 5, 2022, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of MET's scope of recognition.

To obtain or review copies of all public documents pertaining to MET's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW,

Room N–3653, Washington, DC 20210. Docket No. OSHA–2006–0028 contains all materials in the record concerning MET's recognition. *Please note:* Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined MET's expansion application, the capability to meet the requirements of the test standard, and other pertinent information. Based on the review of this evidence, OSHA finds that MET meets the requirements of 29 CFR 1910.7 for expansion of the NRTL scope of recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant MET's scope of recognition. OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 121201	Nonincendive Electrical Equipment for Use in Class I and Class II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), only standards determined to be appropriate test standards may be approved for NRTL recognition. Any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, MET must abide by the following conditions of the recognition:

1. MET must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in their operations as a NRTL, and provide details of the change(s);

2. MET must meet all the terms of the NRTL recognition and comply with all OSHA policies pertaining to this recognition; and

3. MET must continue to meet the requirements for recognition, including all previously published conditions on MET's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of MET, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020)), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17878 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for Intertek Testing Services NA, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–2110 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Intertek Testing Services NA, Inc. (ITSNA) as a NRTL. ITSNA's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this

recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

ITSNA submitted an application dated November 23, 2021, (OSHA–2007–0039–0035), to expand their recognition to include one additional test standard. The standard requested in the expansion application and addressed here is a replacement standard for ISA 12.12.01, which is currently included in ITSNA's NRTL Scope of Recognition. OSHA staff performed detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing ITSNA's expansion application in the **Federal Register** on June 17, 2022 (87 FR 36539). The agency requested comments by July 5, 2022, but it received no comments in response to this notice. OSHA is now proceeding with this final grant of expansion of ITSNA's NRTL recognition.

To obtain or review copies of all public documents pertaining to ITSNA's expansion application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2007–0039 contains all materials in the record concerning ITSNA's recognition. *Please note:* Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined ITSNA's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that ITSNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant ITSNA's expanded scope of recognition. OSHA limits the expansion of ITSNA's recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 121201	Nonincendive Electrical Equipment for Use in Class I and Class II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. ITSNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. ITSNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. ITSNA must continue to meet the requirements for recognition, including all previously published conditions on ITSNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of ITSNA as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17883 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–2110 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of CSA Group Testing & Certification Inc. (CSA) as a NRTL. CSA's expansion

covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSA submitted an application dated September 24, 2021, (OSHA–2006–0042–0027), to expand their recognition to include four additional test standards. This notice covers the expansion to UL 121201 only. The remaining standards in that application will be covered in a future notice. The standard requested in the expansion application and addressed here is a replacement standard for ISA 12.12.01, which is currently included in CSA's NRTL Scope of Recognition. OSHA staff performed detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing CSA's expansion application in the **Federal Register** on June 17, 2022 (87 FR 36544). The agency requested comments by July 5, 2022, but it received no comments in response to this notice. OSHA is now proceeding with this final grant of expansion of CSA's NRTL recognition.

To obtain or review copies of all public documents pertaining to the CSA's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2006–0042 contains all materials in the record concerning CSA's recognition. *Please note:* Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined CSA's expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant CSA's expanded scope of recognition. OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 121201	Nonincendive Electrical Equipment for Use in Class I and Class II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 5, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–17880 Filed 8–18–22; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of a videoconference of the Committee on Oversight (CO) for the transaction of National Science Board business, pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Tuesday, August 23, 2022, from 11:30 a.m.-12:30 p.m. EDT.

PLACE: This meeting will be held by videoconference organized through the National Science Foundation.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Committee Chair's remarks: presentation and discussion of proposed Office of the Inspector General (OIG) budget submission for FY 2024; recommendation of approval to the National Science Board.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, (703) 292–7000, *cblair@nsf.gov.* You may find meeting information and updates at *https://www.nsf.gov/nsb/meetings/index.jsp.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2022–18093 Filed 8–17–22; 4:15 pm]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 22, 29, September 5, 12, 19, 26, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of August 22, 2022

There are no meetings scheduled for the week of August 22, 2022.

Week of August 29, 2022—Tentative

There are no meetings scheduled for the week of August 29, 2022.

Week of September 5, 2022—Tentative

There are no meetings scheduled for the week of September 5, 2022.

Week of September 12, 2022—Tentative

There are no meetings scheduled for the week of September 12, 2022.

Week of September 19, 2022—Tentative

There are no meetings scheduled for the week of September 19, 2022.

Week of September 26, 2022

There are no meetings scheduled for the week of September 26, 2022.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 17, 2022.

For the Nuclear Regulatory Commission.

Monika G. Coflin,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2022–18030 Filed 8–17–22; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0057]

Information Collection: NRCareers (Monster Government Solutions)

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, ''NRCareers (Monster Government Solutions).''

DATES: Submit comments by September 19, 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–2022–0057 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–2022–0057.
- *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 final supporting statement and screenshots are available in ADAMS under Accession Nos. ML22195A262 and ML22063A084.
- *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, ''NRCareers (Monster Government Solutions).'' 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 22582).

1. *The title of the information collection:* ''NRCareers (Monster Government Solutions).''

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Information is collected as needed.

6. *Who will be required or asked to respond:* NRC applicants and selectees for hiring.

7. *The estimated number of annual responses:* 311.

8. *The estimated number of annual respondents:* 311.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 466.

10. *Abstract:* The NRC relies on webbased software for human capital management, workforce development, and candidate recruitment. Relying entirely on paper-based recruitment and hiring systems would be error-prone, time consuming and inefficient. Instead, the following information is collected electronically: Name, education information (academic institutions, years of attendance, etc.), social security number, personal cellular telephone number, personal email address, home telephone number, employment information, military status/service, mailing/home address.

Dated: August 15, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–17809 Filed 8–18–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0184]

Information Collection: Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Assistance

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, ''Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Assistance.''

DATES: Submit comments by September 19, 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–2021–0184 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–2021–0184.

- *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 supporting statement is available in ADAMS under Accession No. ML22199A245.

- *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, ''Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Assistance.'' 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 27, 2022 (87 FR 25053).

1. *The title of the information collection:* Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Assistance.

2. *OMB approval number:* 3150–0209.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Annually.

6. *Who will be required or asked to respond:* All recipients that receive Federal financial assistance from the NRC.

7. *The estimated number of annual responses:* 600.

8. *The estimated number of annual respondents:* 200.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 2,050.

10. *Abstract:* The regulations under part 5 of title 10 of the *Code of Federal Regulations* implement the provisions of Title IX of the Education Amendments of 1972, as amended, except section 904 and 906 of those amendments (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688 and *Baystock* v. *Clayton County, Georgia* under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.,* 140 S. Ct. 1731, 1741, 590 U.S.). The provisions are designed to eliminate, with certain exceptions, discrimination on the basis of sex in any education program or activity receiving Federal financial assistance (FFA), whether or not such program or activity is offered or sponsored by an educational institution as defined in the Title IX regulations. Except as provided in §§ 5.205 through 5.235(a), the Title IX regulations apply to every recipient and to each education program or activity operated by the recipient that receives FFA from the NRC.

Dated: August 16, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–17890 Filed 8–18–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0227]

Information Collection: NRC Form 176 Security Acknowledgement and Termination

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''NRC Form 176 ''Security Acknowledgement and Termination.''

DATES: Submit comments by September 19, 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–2021–0227 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–2021–0227.
- *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. ML22006A250. The final supporting statement is available in ADAMS under Accession No. ML22158A099.
- *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, NRC Form 176 ''Security Acknowledgement and Termination.'' 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 6, 2022 (87 FR 19982).

1. *The title of the information collection:* NRC Form 176 ''Security Acknowledgement and Termination.''

2. *OMB approval number:* 3150–0239.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 176.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* NRC employees, licensees, and contractors.

7. *The estimated number of annual responses:* 400.

8. *The estimated number of annual respondents:* 400.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 80.

10. *Abstract:* The NRC Form 176, ''Security Acknowledgment and Termination Statement'' is completed by employees, licensees, and contractors in connection with the termination of their access authorization/security clearance granted by the NRC and to acknowledgment and accept their continuing security responsibility.

Dated: August 15, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–17811 Filed 8–18–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. N2022–2; Order No. 6251]

Service Standard Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a filing by the Postal Service of its intent to conduct a pre-filing conference regarding its proposed changes to the service standards for Critical Entry Time Changes (CET) for certain Periodicals. This document informs the public of this proceeding and the pre-filing conference and takes other administrative steps.

DATES: *Pre-filing conference:* August 25, 2022, 12:30 p.m. to 1:30 p.m., Eastern Daylight Time—Virtual Online.

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

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

SUPPLEMENTARY INFORMATION: Pursuant to 39 CFR 3020.111(d), on August 12, 2022, the Postal Service filed a notice of its intent to conduct a pre-filing conference regarding its proposed changes to the Critical Entry Times (CETs) for certain Periodicals.[1] The Postal Service seeks to revise the CET for all Periodicals that are not entered on a direct Carrier Route pallet to 0800. Notice at 2. Current CETs for the Periodicals affected by the proposed changes are 0800, 1100, or 1400. *Id.* at 3.

Due to the COVID–19 pandemic, the conference will be held virtually on August 25, 2022, from 12:30 p.m. to 1:30 p.m. Eastern Daylight Time (EDT). Notice at 1, 3. At this conference, Postal Service representatives capable of discussing the Postal Service's proposal will be available to educate the public and to allow interested persons to provide feedback to the Postal Service. *See id.* The registration instructions, which are available at *https://about.usps.com/what/strategic-plans/delivering-for-america/#conference,* direct interested persons to a website to register to participate using Zoom, and participants have until August 22, 2022, at 11:59 p.m. EDT to register. *Id.* at 4.

The Commission establishes Docket No. N2022–2 to consider the Postal Service's proposed changes to the CETs for certain categories of Periodicals.

The Postal Service states that the proposed changes further the ''fundamental goals of service excellence and financial sustainability'' found in its ''Delivering for America'' plan.[2] Specifically, the Postal Service states that ''[c]urrently there are multiple different CETs for Periodicals, based on how the mail is prepared, but this system has proven unworkable.'' Notice at 3. The Postal Service avers that ''[h]aving to accommodate multiple arrival times for Periodicals volume constrains the Postal Service's ability to efficiently allocate staff and utilize available processing equipment'' and that it ''results in inconsistent and unreliable service, as the later CETs makes it very challenging for the Postal Service to meet the current Periodicals service standards.'' *Id.* The Postal Service states that the proposed changes will ''significantly increase operational effectiveness, while improving service

[1] Notice of Pre-Filing Conference, August 12, 2022 (Notice).

[2] *See id.* at 2; *see also* United States Postal Service, Delivering for America: Our Vision and Ten-Year Plan to Achieve Financial Sustainability and Service Excellence, March 23, 2021, at 53, available at *https://about.usps.com/what/strategic-plans/delivering-for-america/assets/USPS_Delivering-For-America.pdf.*

reliability for all Periodicals customers.'' *Id.*

The Postal Service must file its formal request for an advisory opinion with the Commission at least 90 days before implementing any of the proposed changes. 39 CFR 3020.112.[3] This formal request must certify that the Postal Service has made good faith efforts to address the concerns raised at the pre-filing conference and meet other content requirements. 39 CFR 3020.113. After the Postal Service files the formal request for an advisory opinion, the Commission will set forth a procedural schedule and provide additional information in a notice and order that will be published in the **Federal Register**. 39 CFR 3020.110. Before issuing its advisory opinion, the Commission must provide an opportunity for a formal, on-the-record hearing pursuant to 5 U.S.C. 556 and 557. 39 U.S.C. 3661(c). The procedural rules in 39 CFR part 3020 apply to Docket No. N2022–2.

Pursuant to 39 U.S.C. 3661(c) and 39 CFR 3020.111(d), the Commission appoints Katrina R. Martinez to represent the interests of the general public (Public Representative) in this proceeding. Pursuant to 39 CFR 3020.111(d), the Secretary shall arrange for publication of this Order in the **Federal Register**.

It is ordered:

1. The Commission establishes Docket No. N2022–2 to consider the Postal Service's proposed changes to the Critical Entry Times for all Periodicals that are not entered on a direct Carrier Route pallet.

2. The Postal Service shall conduct a virtual pre-filing conference regarding its proposal on August 25, 2022, from 12:30 p.m. to 1:30 p.m. EDT.

3. Pursuant to 39 U.S.C. 3661(c) and 39 CFR 3020.111(d), Katrina R. Martinez is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

4. Pursuant to 39 CFR 3020.111(d), the Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2022–17873 Filed 8–18–22; 8:45 am]

BILLING CODE 7710–FW–P

[3] The Commission may consider whether to extend the 90 days for a decision based on good cause.

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–90 and CP2022–94; MC2022–96 and CP2022–100; MC2022–97 and CP2022–101]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 23, 2022.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–90 and CP2022–94; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 19 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 23, 2022.

2. *Docket No(s).:* MC2022–96 and CP2022–100; *Filing Title:* USPS Request to Add Priority Mail Contract 755 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* August 23, 2022.

3. *Docket No(s).:* MC2022–97 and CP2022–101; *Filing Title:* USPS Request to Add Parcel Select Contract 51 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 15, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* August 23, 2022.

This Notice will be published in the **Federal Register**.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2022–17916 Filed 8–18–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL REGULATORY COMMISSION

[Docket No. MC2022–95; Order No. 6250]

Classification Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing requesting the removal of Parcel Return Service from the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 16, 2022.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On August 12, 2022, pursuant to 39 U.S.C. 3642 and 39 CFR 3040.130 *et seq.,* the Postal Service filed a request to remove Parcel Return Service from the competitive product list.[1] To support this request, the Postal Service filed a copy of the Governors' Decision supporting the request, a Statement of Supporting Justification, and proposed changes to the Mail Classification Schedule. *See* Request, Attachments A–C.

[1] USPS Request to Remove Parcel Return Service from the Competitive Product List, August 12, 2022 (Request).

II. Summary of Changes

The Postal Service requests to remove Parcel Return Service from the competitive product list effective January 22, 2023. *See* Request at 1. The Postal Service proposes this change because, as it asserts, Parcel Return Service is provided primarily through negotiated service agreements (NSAs), with only three existing ''customers using Parcel Return Service at published rates.'' *Id.* Attachment B at 1. According to the Postal Service, existing customers' Parcel Return Service volume would be ''able to be covered via NSAs, as appropriate.'' *Id.*

The Postal Service states that ''[t]he elimination of Parcel Return Service from the competitive product list will simplify and streamline the Postal Service's product offerings, and minimize customer confusion.'' *Id.* The Postal Service asserts that its request to remove Parcel Return Service from the competitive product list is consistent with applicable regulations. *See id.* The Postal Service further asserts that removing Parcel Return Service from the competitive product list will not result in the violation of 39 U.S.C. 3633 because the remaining competitive products are expected ''to cover their attributable costs and make a positive contribution to institutional costs[.]'' *See id.* at 2.

III. Notice of Commission Action

The Commission establishes Docket No. MC2022–95 to consider matters raised by the Request. Pursuant to 39 CFR 3040.133, the Commission has posted the Request on its website. The Commission invites comments on the Request. Comments are due no later than September 16, 2022. The filing can be accessed via the Commission's website (*http://www.prc.gov*).

The Commission appoints Kenneth E. Richardson to represent the interests of the general public (Public Representative) in this docket.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2022–95 to consider matters raised by the Request.

2. Comments by interested persons are due by September 16, 2022.

3. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this notice in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Alternate Certifying Officer.

[FR Doc. 2022–17842 Filed 8–18–22; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Elimination of Parcel Return Service Product

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service hereby provides notice that it has filed a request with the Postal Regulatory Commission to remove the Parcel Return Service product from the competitive product list.

DATES: The request was submitted to the Postal Regulatory Commission on August 12, 2022.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed at (202) 268–3179.

SUPPLEMENTARY INFORMATION: On August 12, 2022, the United States Postal Service filed with the Postal Regulatory Commission a *USPS Request to Remove Parcel Return Service from the Competitive Product List* pursuant to 39 U.S.C. 3642. Documents pertinent to this request are available at *https://www.prc.gov,* Docket No. MC2022–95. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Sarah Sullivan,

Attorney, Ethics and Legal Compliance.

BILLING CODE 7710–12–P

DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE ON CHANGES IN CLASSIFICATIONS OF GENERAL APPLICABILITY FOR COMPETITIVE PRODUCTS (GOVERNORS' DECISION NO. 22-5)

August 9, 2022

STATEMENT OF EXPLANATION AND JUSTIFICATION

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 ("PAEA"), we establish changes in classifications of general applicability for a competitive product, and do so here with regard to the removal of Parcel Return Service from the competitive product list. The changes are described generally below, with a detailed description of the changes in the attached draft of the relevant sections of the Mail Classification Schedule, with the classification changes in legislative format.

Parcel Return Service was originally designed for shippers, shipping agents, or return logistics providers who can retrieve items in bulk from the Postal Service's Return Delivery Units (RDUs) and/or Return Sectional Center Facilities (RSCFs). Over time, Parcel Return Service has evolved to become almost solely provided through negotiated service agreements (NSAs). There are currently only three customers using Parcel Return Service at published rates. With these changes, the Parcel Return Service product will be removed from the competitive product list, but will continue to be offered solely through NSAs. The volume from these three customers would still be able to be covered via NSAs, as appropriate.

The Postal Service expects that there will be minimal impact to its retail and commercial customers from the elimination of Parcel Return Service. All customers interested in a bulk package return service will still be able to utilize Parcel Return Service via an NSA. Eliminating Parcel Return Service from the competitive product list will further simplify and streamline the Postal Service's offerings, and avoid customer confusion.

ORDER

The changes in classes set forth herein shall be effective at 12:01 A.M. on January 22, 2023. We direct the Secretary to have this decision published in the *Federal Register* in accordance with 39 U.S.C. § 3632(b)(2) and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:

/s/

Roman Martinez IV
Chairman, Board of Governors

UNITED STATES POSTAL SERVICE
OFFICE OF THE BOARD OF GOVERNORS

CERTIFICATION OF GOVERNORS' VOTE ON GOVERNORS' DECISION NO. 22-5

Consistent with 39 USC 3632(a), I hereby certify that, on August 9, 2022, the Governors voted on adopting Governors' Decision No. 22-5, and that a majority of the Governors then holding office voted in favor of that Decision.

/s/

Date: August 9, 2022

Elda Merho
Assistant Secretary of the Board of Governors

PART B

COMPETITIVE PRODUCTS

2000 COMPETITIVE PRODUCT LIST

DOMESTIC PRODUCTS
Priority Mail Express
Priority Mail
Parcel Select
~~Parcel Return Service~~
First-Class Package Service
USPS Retail Ground

2120 Parcel Return Service

2120.1 Description

a. Parcel Return Service mail consists of returned merchandise meeting preparation and entry requirements, which is retrieved or delivered in bulk, with postage paid by the addressee.

b. Any mailable matter may be mailed as Parcel Return Service mail, except matter required to be mailed by First-Class Mail or Priority Mail services; as Customized MarketMail pieces; and publications required to be entered as Periodicals mail.

c. Parcel Return Service mail is not sealed against postal inspection. Mailing of matter as such constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

d. Undeliverable-as-addressed Parcel Return Service pieces will be forwarded on request of the addressee or forwarded or returned on request of the mailer, subject to the applicable USPS Retail Ground price when forwarded or returned from one Post Office location to another. Pieces which combine Parcel Return Service matter with First-Class Mail or USPS Marketing Mail matter will be forwarded or returned if undeliverable-as-addressed, as specified in the Domestic Mail Manual.

Attachments and enclosures

a. First-Class Mail or USPS Marketing Mail pieces may be attached to or enclosed in Parcel Return Service mail. Additional postage may be required. Parcel Return Service mail may have limited written additions placed on the wrapper, on a tag or label attached to the outside of the parcel, or inside the parcel, either loose or attached to the article.

2120.2 Size and Weight Limitations[1]

	Length	**Height**	**Thickness**	**Weight**
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[1]

Notes

1. A charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

2120.3 Minimum Volume Requirements

	Minimum Volume Requirements
All other Parcel Return Service	none

2120.4 Price Categories

- RSCF – Contains merchandise and is retrieved in bulk at a return sectional center facility, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Balloon Price
  - Oversized

- RDU – Contains merchandise and is retrieved in bulk at a designated destination delivery unit, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Oversized

2120.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Ancillary Services (1505)
  - Certificate of Mailing (1505.6)

- Pickup On Demand Service

2120.6 Prices

RSCF Entered

a. Machinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	4.22
2	4.77
3	5.12
4	5.51
5	5.93
6	6.50
7	6.95
8	7.54
9	8.06
10	8.61
11	9.12
12	9.76
13	10.20
14	10.55
15	10.93
16	11.30
17	11.72
18	12.04
19	12.36
20	12.78
21	13.11
22	13.50
23	13.77
24	14.19
25	14.50

a. Machinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	14.96
27	15.27
28	15.60
29	15.93
30	16.23
31	16.58
32	16.91
33	17.19
34	17.63
35	17.95

b. Nonmachinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	7.36
2	7.92
3	8.27
4	8.65
5	9.07
6	9.65
7	10.10
8	10.69
9	11.20
10	11.76
11	12.26
12	12.90
13	13.34
14	13.70
15	14.08
16	14.44
17	14.86
18	15.19
19	15.50
20	15.92
21	16.26
22	16.65
23	16.92
24	17.34
25	17.64

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	18.11
27	18.42
28	18.75
29	19.08
30	19.38
31	19.73
32	20.06
33	20.34
34	20.78
35	21.10
36	21.43
37	21.55
38	21.87
39	22.03
40	22.32
41	22.61
42	22.76
43	23.10
44	23.38
45	23.68
46	23.95
47	24.16
48	24.57
49	24.93
50	25.17

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
51	25.57
52	25.86
53	26.28
54	26.63
55	26.86
56	27.27
57	27.60
58	27.91
59	28.26
60	28.43
61	28.85
62	29.16
63	29.53
64	29.84
65	30.18
66	30.39
67	30.87
68	31.09
69	31.48
70	31.62
Oversized	47.94

c. Balloon Price

RSCF entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

RDU Entered

a. Machinable RDU

Maximum Weight (pounds)	RDU ($)
1	3.37
2	3.46
3	3.55
4	3.66
5	3.74
6	3.86
7	3.94
8	4.03
9	4.14
10	4.23
11	4.34
12	4.43
13	4.54
14	4.63
15	4.71
16	4.83
17	4.91
18	5.02
19	5.11
20	5.22
21	5.31
22	5.39
23	5.51
24	5.59
25	5.71

a. Machinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	5.75
27	5.84
28	5.95
29	6.04
30	6.15
31	6.25
32	6.33
33	6.43
34	6.52
35	6.63

b. Nonmachinable RDU

Maximum Weight (pounds)	RDU ($)
1	3.37
2	3.46
3	3.55
4	3.66
5	3.74
6	3.86
7	3.94
8	4.03
9	4.14
10	4.23
11	4.34
12	4.43
13	4.54
14	4.63
15	4.71
16	4.83
17	4.91
18	5.02
19	5.11
20	5.22
21	5.31
22	5.39
23	5.51
24	5.59
25	5.71

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	5.75
27	5.84
28	5.95
29	6.04
30	6.15
31	6.25
32	6.33
33	6.43
34	6.52
35	6.63
36	6.72
37	6.83
38	6.91
39	7.01
40	7.11
41	7.21
42	7.31
43	7.41
44	7.49
45	7.59
46	7.69
47	7.80
48	7.89
49	8.00
50	8.07

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
51	8.18
52	8.29
53	8.38
54	8.49
55	8.58
56	8.66
57	8.76
58	8.86
59	8.97
60	9.06
61	9.17
62	9.24
63	9.35
64	9.44
65	9.55
66	9.64
67	9.72
68	9.83
69	9.92
70	10.03
Oversized	14.60

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

IMpb Noncompliance Fee

Add $0.25 for each IMpb-noncompliant parcel paying commercial prices.

[FR Doc. 2022–17716 Filed 8–18–22; 8:45 am]
BILLING CODE 7710–12–C

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Request for Information; Identifying Critical Needs To Inform a Federal Decadal Strategic Plan for the Interagency Council for Advancing Meteorological Services

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Notice of Request for Information (RFI).

SUMMARY: The Office of Science and Technology Policy (OSTP) and the National Oceanic and Atmospheric Administration (NOAA), on behalf of the Interagency Council for Advancing Meteorological Services (ICAMS), requests input from all interested parties to identify opportunities for, and inform the advancement of Federal meteorological services across the meteorological enterprise. ICAMS invites input from States; Tribes; territories; individuals, including those belonging to groups that have been historically underserved, marginalized, or subject to discrimination or systemic disadvantage; local governments; appropriate industries; academic institutions; nongovernmental organizations; and international organizations with expertise in meteorological research and development, and service delivery, in both the short- (2–3 years) and long-term (next decade). This information will be used to inform the development of a new decadal strategic plan for Federal coordination of meteorological science and services using an earth system approach.

DATES: Interested persons and organizations are invited to submit comments on or before 5 p.m. ET, October 3, 2022.

ADDRESSES: Interested individuals and organizations should submit comments electronically to *icams-portal@noaa.gov* and include ''RFI Response: ICAMS Strategic Plan'' in the subject line of the email. Email submissions should be machine-readable [PDF, Word] and should not be copy-protected. Submissions received after the deadline may not be taken into consideration.

Instructions

Response to this RFI is voluntary. Each individual or organization is requested to submit only one response. Commenters can respond to one or many questions. However, the total submitted response must not exceed a total of five (5) pages in 12 point or larger font, with a page number provided on each page. A bibliography does not count towards the page limit. Submissions should clearly indicate which questions are being addressed. Responses should include the name of the person(s) or organization(s) filing the response. Responses containing references, studies, research, and other empirical data that are not widely published should include copies of or electronic links to the referenced materials. Responses containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Comments submitted in response to this notice are subject to the Freedom of Information Act (FOIA). No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI. Please be aware that comments submitted in response to this RFI, including the submitter's identification (as noted above), may be posted, without change, on OSTP's or another Federal website or otherwise released publicly.

In accordance with FAR 15–202(3), responses to this notice are not offers and cannot be accepted by the U.S. Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct questions to Scott Weaver at *icams-portal@noaa.gov* or 202–456–4444.

SUPPLEMENTARY INFORMATION:

Background: The Interagency Council for Advancing Meteorological Services (ICAMS) is the interagency organization established in July 2020 in response to the Weather Research and Forecasting and Innovation Act of 2017.[1] ICAMS is the formal mechanism by which all relevant Federal departments and agencies coordinate implementation of policy and practices intended to advance meteorological services and ensure continued U.S. global leadership in their development and provision. By ICAMS charter, one of its primary objectives is to ''lead the development of a decadal strategic plan to advance meteorological services with involvement of the Earth system science, service, and stakeholder communities.'' [2]

ICAMS leadership plans to develop this decadal strategic plan during 2022–2023. Crafting this strategy will require engaging (1) a wide range of external (non-Federal) stakeholders, (2) Federal agency partners that are new to ICAMS, and (3) Federal agency partners that were previously involved in the development and delivery of meteorological services. This strategic plan should identify opportunities for, and inform the advancement of Federal meteorological services across the meteorological enterprise, including: academia; private industry; nonprofit sector; state, local, Tribal, and federal governments; communities; individuals; and international partners; in both the short- (2–3 years) and long-term (next decade). In particular, ICAMS is interested in:

1. the major needs or requirements for meteorological services, in particular to improve societal resilience in response to global climate change and other challenges;

2. the top coordination gaps or barriers that are inhibiting progress in meteorological services to meet identified needs; and

3. the top opportunities for the Federal Government to advance meteorological services.

Scope: OSTP invites input from States; Tribes; territories; individuals, including those belonging to groups that have been historically underserved, marginalized, or subject to discrimination or systemic disadvantage; local governments; industries; academic institutions; nongovernmental organizations; and international organizations with expertise in meteorological research and development, and service delivery.

Information Requested: Respondents may provide information for one or as many topics below as they choose. Submissions should clearly indicate which questions are being addressed. For the purposes of this RFI, meteorological services are defined very broadly to:

- cover all components of the Earth system, including weather, climate, hydrological, ocean, land use, and related environmental services;
- span all activities over land, at sea, and in the air that contribute to the generation of value for society, including, but not limited to, the protection of life and property, personal and public health, quality of life, sustainability of the natural world, and economic and national security; and
- include foundational scientific research that provides the basis for the operational activities and public-facing products that have been the traditional focus of ''services.''

Given the broad scope of the meteorological enterprise, ICAMS is

[1] *H.R. 353—115th Congress (2017–2018): Weather Research and Forecasting Innovation Act of 2017 | Congress.gov | Library of Congress.*

[2] *Charter of the Interagency Council for Advancing Meteorological Services (ICAMS) (icams-portal.gov).*

interested in responses to the following questions:

1. *Background information:* Please describe the role that you/your organization has in meteorological services. If relevant, please describe how you/your organization engages with underserved communities.

2. *Engagement with the Federal Government:* Has your organization successfully collaborated with the U.S. Federal Government on meteorological services in the past? If successful, please describe what you think contributed to this success (*e.g.,* the partners involved, the partners' roles, the scope/time period of the collaboration). If relevant, please describe any metrics used to evaluate the success of this engagement. If engagement and collaboration did not work, why not? (*e.g.,* legal, regulatory, or policy requirements; differences in work culture; lack of expertise; or any other hurdles that limited or otherwise prevented effective collaboration with Federal meteorological services.)

3. *Facilitation by the Federal Government:* Besides ICAMS, are you aware of other existing Federal coordination bodies that can strengthen or facilitate collaboration and/or address barriers and gaps in the advancement of meteorological services?

4. *Prioritizing Existing Activities:* Are there any specific meteorological services that you think are currently only *partially* met by the Federal Government? Are there any that are currently *completely* unmet? How would you/your organization benefit from the prioritization of these services or the activities that advance them?

5. *Future Opportunities for the Federal Government:* What future services and activities do you think the Federal Government should prioritize (please provide what you see as the *top three opportunities for the Federal Government*) over the next 10 years? What goals would this prioritization help you achieve? Of the opportunities you presented, please identify if any of them can be addressed in the next 2–3 years under existing programs, or if they are longer-term initiatives and strategies. And if relevant, please classify these opportunities into any of the following broad categories: observational systems; cyber, facilities, and infrastructure; research and innovation; and other cross-cutting issues. Please indicate whether there are U.S. Federal agencies/organizations that should be specifically included in those opportunities.

6. *International Activities:* How do U.S. capabilities in meteorological services compare to services provided by other countries? Are there meteorological services that other governments provide that the Federal Government should also provide? Are there international partners that the United States should be working with that the Federal Government is not working with currently?

7. *Additional Comments:* Please provide any other input that you believe is pertinent to this RFI, within the page limit.

Dated: August 16, 2022.

Stacy Murphy,

Operations Manager.

[FR Doc. 2022–17894 Filed 8–18–22; 8:45 am]

BILLING CODE 3270–F2–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95501; File No. SR–NYSEARCA–2022–52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.64P–O

August 15, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 9, 2022, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.64P–O (Auction Process). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify Rule 6.64P–O (Auction Process) regarding the handling of certain Market Maker quotations and order instructions related thereto as set forth below.

Overview

On July 11, 2022, the Exchange began migrating symbols from its existing trading platform to the Pillar trading platform,[4] As of July 28, 2022, all symbols have been migrated to the Pillar platform.[5] Since migrating to Pillar, the Exchange has encountered unexpected processing of certain Market Maker quotations and related (subsequent) ''order instructions'' to update such quotations during the abbreviated time period of the Auction Processing Period and transition to continuous trading (*i.e.,* generally measured in fractions of a second) when the Exchange conducts its opening (or reopening) Auction and transitions a series from pre-open state to continuous trading.[6] The Exchange believes that, as a result of this unexpected processing during this very brief period, Market Makers may be unable to determine their potential exposure (and thus be at risk for unexpected executions). To prevent this risk to Market Makers, the Exchange updated the treatment of this quoting interest during these discrete periods, which was announced by a Trader Update (the ''Trader Update'').[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange announced the July 11th launch date, as well as the schedule for symbol migration in five tranches, via Trader Update, *available here: https://www.nyse.com/trader-update/history#110000436694.*

[5] The Exchange announced the migration of the fifth and final tranche of symbols to the Pillar trading platform, via Trader Update, *available here: https://www.nyse.com/trader-update/history#110000440092.*

[6] Because the opening and reopening process is identical, the Exchange will refer to both processes, collectively, as the ''opening.''

[7] The Exchange announced via Trader Update that, effective July 29, 2022, ''[d]uring Auction Processing Period or during the transition to continuous trading, any new quotes will be rejected and, if the Exchange receives order instructions for an existing quote, the Exchange will cancel any same-side quotes sent from the same order/quote

Continued

The Exchange proposes to modify Rule 6.64P–O to codify the updated treatment of this quoting interest (as announced in the Trader Update) to ensure efficient and consistent handling of Market Maker quotations (and related order instructions).[8] The Exchange believes the proposed rule change would provide more certainty as to the handling of certain quoting interest during the brief Auction Processing Period and transition to continuous trading.

Current Rule

Rule 6.64P–O (the ''Rule'') covers the entire Auction Process for opening option series, which Process begins when the Exchange receives an Auction Trigger for a series and ends when the Auction is conducted.[9] The Auction Processing Period is the time during which the Auction is being processed and concludes when the Exchange transitions to continuous trading.[10] Paragraphs (e) and (f) to the Rule describe how the Exchange handles interest during this brief period (as described below), which is typically measured in fractions of a second.

Rule 6.64P–O(e) describes the Exchange's handling of interest that arrives during the Auction Processing Period, *i.e.,* new quote and order messages, as well as ''order instructions,'' such as requests to cancel, cancel/replace, or otherwise modify, an existing order or quote. By Rule, the Exchange will accept new order and quote messages during the Auction Processing Period, but such messages will not be processed until after this Period.[11] In addition, an order instruction that arrives during the Auction Processing Period will not be processed until after this Period if the order instruction relates to an order or quote that was received before the Auction Processing Period; further, any subsequent order instructions relating to such order will be rejected.[12] As noted above, the Auction Processing Period concludes when the Auction is conducted and the Exchange transitions to continuous trading.

Under the current Rule 6.64P–O(f), regarding the transition to continuous trading, the Exchange processes order instructions related to each order and quote, in time sequence (per paragraphs (f)(3)(A) or (B) of this Rule), if such order instruction relates to an order or quote that was received before the Auction Processing Period; or relates to a series that has already transitioned to continuous trading and the order instruction arrives during either the transition to continuous trading or the Auction Processing Period (per paragraph (e)(1)).[13] And, any subsequent order instructions relating to such order or quote is rejected.[14] Finally, Rule 6.64P–O(f)(2)(B) provides that an order instruction that arrives during the transition to continuous trading will be processed on arrival if it relates to an order or quote that was entered during either the Auction Processing Period or the transition to continuous trading and such order or quote has not yet transitioned to continuous trading.[15]

Proposed Rule Change

As noted above, since the migration to Pillar, the Exchange has encountered unexpected processing of certain Market Maker quotations and related (subsequent) ''order instructions'' to update such quotations during the Auction Processing Period and as the Exchange transitions to continuous trading. To address this issue, the Exchange proposes to modify its handling of such quoting interest during these discrete time periods as set forth in paragraphs (e) (Order Processing during an Auction Processing Period) and (f) (Transition to Continuous Trading) of Rule 6.64P–O.

First, the Exchange proposes to revise Rule 6.64P–O(e) to specify that ''[d]uring the Auction Processing Period, the Exchange will reject new quotes and, if the Exchange receives order instructions for existing quotes, the Exchange will cancel any same-side quotes sent from the same order/quote entry port of that Market Maker.'' [16] The Exchange believes that this proposed change in the treatment of this interest would allow for more deterministic handling of order instructions for quotes. In addition, by cancelling any same-side quotes of that Market Maker, the Exchange would eliminate potentially unexpected exposure (or executions) for that Market Maker.

Next, the Exchange proposes to reorganize the text of Rule 6.64P–O(e) to make clear that ''[d]uring the Auction Processing Period, new orders will be accepted but will not be processed until after the Auction Processing Period and order instructions for existing orders will be processed as follows:'' [17] Consistent with the foregoing, the Exchange proposes to modify Rule 6.64P–O(e)(1) to remove reference to quotes (as this handling is covered in proposed paragraph (e) to the Rule), and to clarify the rule text (consistent with current functionality) that subsequent order instructions related to an existing order would be rejected ''when a prior order instruction is pending.'' [18]

Further, and consistent with the foregoing, the Exchange proposes to modify Rule 6.64P–O(f)(2) to specify that during the transition to continuous trading, ''the Exchange will reject new quotes and, if the Exchange receives order instructions for existing quotes, the Exchange will cancel any same-side quotes sent from the same order/quote entry port of that Market Maker.'' [19] As noted above, the Exchange believes that this proposed treatment would allow for more deterministic handling of order instructions for quotes. Further, by cancelling any same-side quotes of that Market Maker, the Exchange would eliminate potentially unexpected exposure (or executions) for that Market Maker.

In addition, proposed Rule 6.64P–O(f)(2)(A) and (B) would remove reference to quotes (as this handling is covered in proposed paragraph (f)(2) of the Rule), and proposed Rule 6.64P–O(f)(2)(A) would clarify the rule text (consistent with current functionality) that subsequent order instructions related to an existing order would be rejected ''when a prior order instruction is pending.'' [20] The Exchange also proposes to remove as superfluous the unnecessary reference in paragraph (f)(2)(A) of the Rule to ''under paragraph

entry port of that Market Maker,'' *available here: https://www.nyse.com/trader-update/history#110000441036.* The aforementioned change was made in the interest of maintaining a fair and orderly market consistent with Rule 6.64P–O(d)(5). *See id.*

[8] For the avoidance of doubt, this proposal does not modify the Exchange's handling or processing of orders (or order instructions related thereto) pursuant to Rule 6.64P–O.

[9] *See* Rule 6.64P–O(a)(5). An Auction Trigger refers to information disseminated by the Primary Market in the underlying security that triggers the Auction Process for a series to begin. *See also* Rule 6.64P–O(a)(7).

[10] *See* Rule 6.64P–O(a)(6). See also Rule 6.64P–O(a)(12) (A) and (B), respectively (defining pre-open state, including that for a Core Open Auction and a Trading Halt Auction, the pre-open state ends when the Auction Processing Period begins).

[11] *See* Rule 6.64P–O(e).

[12] *See* Rule 6.64P–O(e)(1). Rule 6.64P–O(e)(2), which is not being modified by this rule change, provides that ''[a]n order instruction that arrives during the Auction Processing Period will be processed on arrival if it relates to an order that was received during the Auction Processing Period.''

[13] *See* Rule 6.64P–O(f)(2)(A).

[14] *See* Rule 6.64P–O(f)(2)(A).

[15] *See* Rule 6.64P–O(f)(2)(B).

[16] *See* proposed Rule 6.64P–O(e).

[17] *See* proposed Rule 6.64P–O(e). The Exchange notes that the textual change proposed is substantively identical to the first sentence to Rule 6.64P–O(e), except that the proposed sentence omits reference to quotes and clarifies that the order instructions relate to ''existing orders.'' *See id.*

[18] *See* proposed Rule 6.64P–O(e)(1).

[19] *See* proposed Rule 6.64P–O(f)(2).

[20] *See* proposed Rule 6.64P–O(f)(2)(A) and (B).

(e)(1),''which immediately follows ''the Auction Processing Period.'' [21] Finally, in paragraph (f)(3)(C) of the Rule, which specifies the treatment of quotes that were received during the Auction Processing Period, the Exchange proposes to remove such references to quotes as unnecessary to conform with the foregoing proposed changes (*i.e.,* which state that any such quotes would be rejected).[22] The Exchange believes these proposed non-substantive changes would add clarity, transparency and internal consistency to Exchange rules.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[23] in general, and furthers the objectives of Section 6(b)(5),[24] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Overall, the Exchange believes the proposed change would promote a fair and orderly market because it would address, in a timely manner, the unexpected issue regarding the processing of certain Market Maker quotations and (subsequent) order instructions to update such quotations, which issue came to light as the Exchange began migrating symbols to Pillar for options trading.[25] The Exchange believes the proposed rule change would promote just and equitable principles of trade because the proposal would provide Market Makers greater determinism and certainty about how quotes (and order instructions related thereto) are handled during the abbreviated period that the Exchange conducts the opening Auction and transitions to continuous trading. Further, the proposed rule change would allow for the efficient and consistent handling of such quotes and would reduce the potential unexpected exposure (or executions) for Market Makers, which would 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.

Finally, the Exchange believes that the proposed clarifying changes, including non-substantive conforming changes, would promote transparency and internal consistency within Exchange rules making them easier to comprehend and navigate.[26]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to be competitive but is instead designed to address an unexpected issue regarding the processing of Market Maker quotations (and subsequent order instructions related thereto) that arose in connection with the Exchange's migration to its Pillar trading platform. The Exchange does not believe that the proposed rule change would impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the Act because the proposed change would apply equally to all similarly-situated Market Makers. Rather, the Exchange believes that by adding certainty to a Market Maker's exposure for quoting interest received during the Auction Processing Period and transition to continuous trading, the proposed change may incent Market Makers to more readily participate in the opening process, which may in turn improve liquidity and price discovery to the benefit of all market participants.

The Exchange does not believe that the proposed rule change would impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it is designed to efficiently handle certain Market Maker quotations and certain order instructions related thereto and to promote the opening (or reopening) of option series on the Exchange in a fair and orderly manner.

Additionally, the clarifying changes, including non-substantive conforming changes proposed by the Exchange provide additional clarity and detail in the Exchange's rules and are not changes made for any competitive purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [27] and Rule 19b–4(f)(6) thereunder.[28] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [29] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[30] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The proposed rule change would address an unexpected issue regarding the processing of certain Market Maker quotations and subsequent order instructions to update such quotations, which issue the Exchange states came to light as the Exchange began migrating symbols to Pillar for options trading. The Exchange represents that implementing the proposed rule change without delay would address that unexpected issue by aligning the Exchange's rule with the technology change deployed as of July 29, 2022 regarding how new quote messages and order instructions related to such quotations would be processed once the Auction Processing Period for an option series commences. Moreover, the Exchange represents that implementing this change without delay would allow the Rule to reflect the more deterministic handling and processing

[21] *See* Rule 6.64P–O(f)(2)(B). The Exchange does not believe the extraneous reference paragraph (e)(1) of the Rule adds substance to this provision and is therefore distracting and potentially confusing to market participants.

[22] *See* proposed Rule 6.64P–O(f)(3)(C). *See also* proposed Rule 6.64P–O(e).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *See supra* note 7, Trader Update.

[26] *See, e.g., supra* notes 17, 18, 20–23.

[27] 15 U.S.C. 78s(b)(3)(A)(iii).

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6).

[30] 17 CFR 240.19b–4(f)(6)(iii).

of quotes (and subsequent instructions related thereto), which would, in turn, eliminate potentially unexpected exposure (or executions) for Market Makers. For these reasons, and based on the representations of the Exchange, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[31]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[32] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2022–52 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2022–52. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2022–52 and should be submitted on or before September 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2022–17830 Filed 8–18–22; 8:45 am]

BILLING CODE 8011–01–P

[31] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17571; FLORIDA Disaster Number FL–00175 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Florida dated 08/15/2022.

Incident: Tropicana Flea Market Fire.

Incident Period: 07/07/2022.

DATES: Issued on 08/15/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/15/2023.

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 Administrator's EIDL declaration, applications for economic injury disaster loans may be filed 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: Miami-Dade.

Contiguous Counties:

Florida: Broward, Collier, Monroe.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	2.935
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for economic injury is 175710.

The State which received an EIDL Declaration #17571 is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2022–17829 Filed 8–18–22; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 11825]

Notice of Determinations; Culturally Significant Object Being Imported for Storage and Exhibition—Determinations: ''Ancestor (*Uli*) Figure''

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary storage and exhibition or display in the Oceania Gallery of The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary storage and 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. 2022–17864 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11827]

Determination Under Section 614(a)(1) and Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2364(a)(1)) and Presidential Delegation of Authority dated May 19, 2022, I hereby determine that it is important to the security interests of the United States to furnish up to $100 million in assistance under the Act to Ukraine without regard to any other provision of law within the purview of section 614(a)(1) of the Act.

In addition, pursuant to the authority vested in me by section 506(a)(1) of the Act (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated May 19, 2022, I also hereby determine that:

- an unforeseen emergency exists which requires immediate military assistance to Ukraine; and
- the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $100 million in defense articles and services of the Department of Defense, and military education and training, under the authorities of section 614(a)(1) and section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: May 19, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17820 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 11826]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated June 15, 2022, I hereby determine that:

- an unforeseen emergency exists which requires immediate military assistance to Ukraine; and
- the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $350 million in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: June 15, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17815 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11830]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated July 8, 2022, I hereby determine that:

- an unforeseen emergency exists which requires immediate military assistance to Ukraine; and
- the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $400 million in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: July 8, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17827 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11829]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated June 1, 2022, I hereby determine that:

- An unforeseen emergency exists which requires immediate military assistance to Ukraine; and
- The emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $700 million in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: June 1, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17826 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11834]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated July 1, 2022, I hereby determine that:

• An unforeseen emergency exists which requires immediate military assistance to Ukraine; and

• The emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $50 million in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: July 1, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17835 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11831]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated July 22, 2022, I hereby determine that:

• an unforeseen emergency exists which requires immediate military assistance to Ukraine; and

• the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $175 million in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: July 22, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17833 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11833]

Determination Under Section 506(a)(1) of the Foreign Assistance Act of 1961 To Provide Military Assistance to Ukraine

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961 (the ''Act'') (22 U.S.C. 2318(a)(1)) and Presidential Delegation of Authority dated August 8, 2022, I hereby determine that:

• an unforeseen emergency exists which requires immediate military assistance to Ukraine; and

• the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other provision of law.

I, therefore, pursuant to authority delegated to me by the President, direct the drawdown of up to $1 billion in defense articles and services of the Department of Defense, and military education and training, under the authority of section 506(a)(1) of the Act to provide assistance to Ukraine. The Department of State will coordinate implementation of this drawdown.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: August 8, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–17834 Filed 8–18–22; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21101]

Van Pool Transportation, LLC—Acquisition of Control—DS Bus Lines, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: On July 21, 2022, Van Pool Transportation LLC (Van Pool or Applicant), a noncarrier, filed an application for Van Pool to acquire indirect control of an interstate passenger motor carrier, DS Bus Lines, Inc. (DS Bus), by acquiring Kincaid Group Holdings, Inc. (Holdings), from the shareholders of Holdings. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by October 3, 2022. If any comments are filed, Van Pool may file a reply by October 17, 2022. If no opposing comments are filed by October 3, 2022, this notice shall be effective on October 4, 2022.

ADDRESSES: Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to Van Pool's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe at (202) 245–0376. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: According to the application, Van Pool is a limited liability company organized under Delaware law and headquartered in Wilbraham, Mass. (Appl. 2.) Van Pool states that it owns and controls all of the equity and voting interest in the following interstate passenger motor carriers (collectively, the Affiliate Regulated Carriers) that hold interstate passenger motor carrier authority, (*id.* at 3–4):[1]

• NRT Bus, Inc. (NRT), which primarily provides non-regulated student school bus transportation services in Massachusetts (Essex,

[1] Additional information about these motor carriers, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*See id.* at 3–4; *id.* at Ex. A.)

Middlesex, Norfolk, Suffolk, and Worcester counties), and occasional charter services;

• Trombly Motor Coach Service, Inc. (Trombly), which primarily provides non-regulated school bus transportation services in Massachusetts (Essex and Middlesex counties) and occasional charter services;

• Salter Transportation, Inc. (Salter), which primarily provides non-regulated school bus transportation services in Massachusetts (Essex County) and southern New Hampshire, and occasional charter services; and

• Easton Coach Company, LLC (Easton), which provides (i) intrastate paratransit, shuttle, and line-run services under contracts with regional transportation authorities and other organizations, primarily in New Jersey and eastern Pennsylvania, and (ii) private charter motor coach and shuttle services (interstate and intrastate), primarily in eastern Pennsylvania.[2]

According to the application, Van Pool also has operating subsidiaries that provide transportation services that do not involve regulated interstate transportation or require interstate passenger authority (together with the Affiliate Regulated Carriers, the Applicant Subsidiaries), primarily in the northeastern portion of the United States. (Appl. 2–3; *id.* at Ex. B.) Van Pool states that it is indirectly owned and controlled by investment funds affiliated with Audax Management Company, LLC, a Delaware limited liability company. (*Id.* at 7.)[3]

The application explains that DS Bus, the carrier being acquired, is a Kansas corporation that provides the following services: (i) non-regulated school bus transportation services in the Kansas cities of Beloit, Kansas City, Lincoln, Olathe, and Shawnee; the metropolitan area of Denver, Colo.; the metropolitan area of Tulsa, Okla.; and the Missouri cities of Belton and Smithville; (ii) occasional charter services at times when its vehicles are not in use for school activities; and (iii) intrastate employee shuttle service between Amarillo and Cactus, Tex., for employees of JBS USA, and between Denver and Fort Morgan, Colo., for employees of Cargill. (*Id.* at 5–6.) The application states that DS Bus uses approximately 545 vehicles and employs approximately 600 drivers in providing its services, holds interstate operating authority under FMCSA Docket No. MC–962756, and has no USDOT Safety Rating. (*Id.*)[4] According to the application, all of the issued and outstanding shares of DS Bus are held by Holdings, which does not own or control any interstate passenger motor carrier other than DS Bus. (*Id.* at 5.) Van Pool represents that, through this transaction, it will acquire Holdings from the shareholders of Holdings, the effect of which will be to place DS Bus under the control of Van Pool. (*Id.* at 1, 6.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. Van Pool has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded $2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (*See* Appl. 7–13.)

Van Pool asserts that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available to the public. (*Id.* at 8.) Van Pool states that DS Bus will continue to provide the same services it currently provides under the same name but will operate as a subsidiary of Van Pool, which is experienced in passenger transportation operations. (*Id.*) Van Pool explains that it is experienced in the same market segments served by DS Bus and that the transaction is expected to result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale, all of which will help ensure the provision of adequate service to the public. (*Id.* at 9.) Van Pool also asserts that adding DS Bus to its corporate family will enhance the viability of Van Pool's organization and the Applicant Subsidiaries. (*Id.*)

Van Pool claims that neither competition nor the public interest will be adversely affected by the proposed transaction. (*Id.* at 10–12.) Van Pool explains that the market for the transportation services provided by DS Bus is competitive in the areas where it operates. (*Id.* at 12.) Specifically, Applicant states that school bus services are often outsourced under contracts using competitive bidding processes and that competitors of DS Bus include AM Bus Company, First Student, National Express-Durham, North American Central School Bus, and United Quick Transportation. (*Id.*) As to charter services, Van Pool states that DS Bus competes directly with the above-mentioned school bus service providers as well as passenger charter service providers that operate in the same areas as DS Bus. (*Id.*) Applicant further notes that all charter service providers, including DS Bus, compete with other modes of passenger transportation, including rail, low-cost airlines, and passenger transportation network companies. (*Id.*) Van Pool also states that areas in which DS Bus operates are geographically ''dispersed'' from the service areas of the Affiliate Regulated Carriers and that there is virtually no overlap in the service areas and customer bases among the Affiliate Regulated Carriers and DS Bus. (*Id.*)

Van Pool states that the proposed transaction will increase fixed charges in the form of interest expenses because funds will be borrowed to assist in financing the transaction; however, Van Pool maintains that the increase will not impact the provision of transportation services to the public. (*Id.* at 9.) Van Pool also asserts that it does not expect the transaction to have substantial impacts on employees or labor conditions, and it does not anticipate a measurable reduction in force or changes in compensation levels or benefits at DS Bus. (*Id.* at 10.) Van Pool submits, however, that staffing redundancies could result in limited downsizing of back-office or managerial-level personnel. (*Id.*)

The Board finds that the acquisition as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no

[2] In *Van Pool Transportation LLC—Acquisition of Control—Alltown Bus Service, Inc.,* Docket No. MCF 21100, Van Pool filed an application to acquire motor carrier Alltown Bus Service, Inc., and in *Van Pool Transportation LLC—Acquisition of Control—F.M. Kuzmeskus, Inc.,* Docket No. MCF 21099, Van Pool filed an application to acquire motor carrier F.M. Kuzmeskus, Inc. On July 14, 2022, the Board tentatively approved both of those applications. Absent any opposing comments, the authorizations of those transactions will become effective on August 29, 2022.

[3] Further information about the Applicant's corporate structure and ownership can be found in the application. (*See* Appl. 6; *id.* at Ex. B.)

[4] Additional information about DS Bus, including information about operations pursuant to state authority, can be found in the application. (*See id.* at 5–6.)

opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov.*

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective October 4, 2022, unless opposing comments are filed by October 3, 2022. If any comments are filed, Applicant may file a reply by October 17, 2022.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: August 15, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–17872 Filed 8–18–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–0357]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 18th, 2022. The collection involves required responses to questions regarding an individual's identity in order to gain access to U.S. Federal Government web applications. The information to be collected will be used to verify the requestor's identity and create a user account.

DATES: Written comments should be submitted by September 15, 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: Christopher K. Brimage by email at: *kyle.brimage@faa.gov;* phone: 405–596–9143.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–XXXX.

Title: MyAccess Non-credentialed User Access Requests.

Form Numbers: No forms.

Type of Review: New Collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 18th, 2022 (87 FR15487). Uncredentialed users requesting access to web-based applications published by the Federal Aviation Administration or other United States Federal Government entities are required to identify themselves. The proposed collection of information will be used to positively identify the user requesting access and create a user account.

The identification of the requesting user is based on answers provided via a web interface that are matched against sources such as public records, mobile accounts, credit reporting bureaus and other available data. If a positive identification is made some of the collected information is used to create a user account to allow the user access to the requested web application.

Respondents: Any un-credentialed individual who requests a user account to access web applications published by the FAA or other U.S. Federal Government entity that is integrated with the MyAccess program.

Frequency: The collection is done one time for each new account request.

Estimated Average Burden per Response: ~0.07 hours (~4 minutes).

Estimated Total Annual Burden: ~0.07 hours (~4 minutes) per respondent, one time only. There is no recurring annual burden per respondent.

Issued in Oklahoma City, OK, August 16th, 2022.

Christopher K. Brimage,

Information Technology Specialist, Enterprise Search & Integration Services Branch (ADE–330)—Solution Delivery Directorate, AIT, AFN, FAA, USDOT.

[FR Doc. 2022–17821 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C., and U.S. Fish and Wildlife Service, National Marine Fisheries Service and U.S. Army Corps of Engineers.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, the State Route 84 Real McCoy Fenders and Ramps Replacement Project at post mile 2.49 in Solano County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 16, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Maxwell Lammert, Environmental Branch Chief, 111 Grand Avenue MS 8B, Oakland, CA 94612, 510–506–9862 (Voice) and email *Maxwell.Lammert@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and

the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes to restore the structural integrity of the fender system and upgrade the boat ramps and ferry deck to improve the Real McCoy Ferry's accessibility across Cache Slough on State Route 84 in Solano County. The Project would replace the Real McCoy Ferry's deteriorating timber fender system with a new steel pile fender system; replace the boat ramps with new concrete approach slab ramps that would accommodate larger vehicles, including commercial and emergency vehicles, and extend the ferry boat deck to improve vehicle access on and off the ferry.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project, approved on June 27, 2022. The EA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project website at *https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs,* or viewed at the Solano County Library-Rio Vista, 44 S 2nd St, Rio Vista, CA 94571.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act
2. Federal Clean Air Act
3. Federal-Aid Highway Act
4. Clean Water Act
5. Fixing American's Surface Transportation Act (Fast Act)
6. Archeological and Historic Preservation Act
7. Section 106 of the National Historic Preservation Act
8. Federal Endangered Species Act
9. Migratory Bird and Treaty Act
10. Fish and Wildlife Coordination Act
11. Section 4(f) of the Department of Transportation Act
12. Civil Rights Act, Title VI
13. Farmland Protection Policy Act
14. Uniform Relocation Assistance and Real Property Acquisition Policies Act
15. Rehabilitation Act
16. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
17. Resource Conservation and Recovery Act (RCRA)
18. Safe Drinking Water Act
19. Occupational Safety and Health Act
20. Atomic Energy Act
21. Toxic Substances Control Act
22. Federal Insecticide, Fungicide and Rodenticide Act
23. E.O. 11988 Floodplain Management
24. 29. E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
25. 30. E.O. 12088, Federal Compliance with Pollution Control Standards
26. 31. Park Preservation Act
27. 32. American with Disabilities Act
28. 33. Historic Sites Act
29. 34. Community Environmental Response Facilitation Act of 1992
30. 35. E.O. 13112, Invasive Species

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Antonio Johnson,

Director, Planning, Environment and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2022–17852 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0139]

Hours of Service of Drivers: Application for Exemption; Ronnie Brown III

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Ronnie Brown III requests an exemption from the federal hours of service (HOS) and electronic logging device (ELD) regulations in the Code of Federal Regulations. The applicant requests the exemption for himself only for a 5-year period. FMCSA requests public comment on Mr. Brown's request for exemption.

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

ADDRESSES: You may submit comments identified by Federal Docket Management System Number (FDMS) FMCSA–2022–0139 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA–2022–0139). Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 –FDMS, which can be reviewed at *https://www.transportation.gov/privacy,* the comments are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722 or *richard.clemente@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2022–0139), indicate the specific section of this document to

which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number (''FMCSA–2022–0139'') in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant's Request

Ronnie Brown III requests a five-year exemption from the Federal hours of service (HOS) regulations including the following sections: § 395.3(a)(1), (10 consecutive hour off-duty time requirement); § 395.3(a)(3)(i), (11-hour driving limit); § 395.3(a)(2), (14-hour ''driving window''), § 395.3(b)(1) and (2); (respectively, 60 hour in 7 day and 70 hour in 8-day limits) and the electronic logging device (ELD) regulations in 49 CFR part 395 subpart B. Mr. Brown has been operating commercial motor vehicles for over 15 years. The requested exemption is solely for the applicant, who states that the HOS regulations present ''safety concerns'' and are a ''one size fits all set of rules.'' He further adds that the ELD and HOS regulations are a ''control mechanism by the government'' and a violation of his ''constitutional right to free movement.'' He states he ''can safely drive . . . no matter the amount of sleep [he] get[s] or the length of drive time.''

A copy of Ronnie Brown III's application for exemption is included in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Ronnie Brown III's application for an exemption from various provisions in the Federal HOS and ELD regulations in 49 CFR part 395. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–17831 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0064]

Request for Information for the Interstate Rail Compacts Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Request for information (RFI).

SUMMARY: On November 5, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL). The BIL provides historic appropriations for the railroad transportation grant programs administered by FRA and authorizes new programs to enhance rail safety and to repair, restore, improve, and expand the nation's rail network. A new program established under the BIL is the Interstate Rail Compacts Grant Program (the Program), which provides financial assistance to existing interstate rail compacts (IRCs) to strengthen their capability to advance intercity passenger rail service within their regions. The BIL requires the Secretary of Transportation to establish the Program; this responsibility is delegated to FRA. In this RFI, FRA seeks comments on the Program.

DATES: Written comments on this RFI must be received on or before September 19, 2022. FRA will consider comments filed after this date to the extent practicable.

ADDRESSES: Comments should refer to docket number FRA–2022–0064 and be submitted at *https://www.regulations.gov.* Search by using the docket number and follow the instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FRA–2022–0064) for this RFI.

Note: All comments received, including any personal information, will be posted without change to the docket and will be accessible to the public at *https://www.regulations.gov.* You should not include information in your comment that you do not want to be made public. Input submitted online via *https://www.regulations.gov* is not immediately posted to the site. It may take several business days before your submission is posted.

FOR FURTHER INFORMATION CONTACT: For further information related to this RFI, please contact Wynne Davis, Supervisory Transportation Analyst, Program Development and Strategy Division, by email: *Wynne.Davis@dot.gov* or by telephone: 202–493–6122.

SUPPLEMENTARY INFORMATION:

Background

The Program allows FRA to provide financial assistance to existing IRCs, which are established in law by member States passing identical or near identical legislation, to develop and advance intercity passenger rail service. The Program can fund the technical and administrative functions of IRCs in addition to supporting coordination and promotion activities for rail services within a region.

IRCs have a history of promoting intercity passenger rail projects within their regions and encouraging policies that foster the efficient development of intercity passenger rail projects. IRCs have also served as a means of regional coordination of rail projects sponsored by the departments of transportation in their member States. Furthermore, as investment in intercity passenger rail from State and Federal governments over the past decade has created increasingly robust rail networks, a greater need has emerged for increased cooperation across state lines to coordinate intercity passenger rail services and project delivery. Certain regions have also expressed a desire for strong leadership to represent regional needs. IRCs present an opportunity to fulfill these needs. The Program is designed to support IRCs by providing financial assistance to facilitate their administrative and technical functions and encourage IRCs to build greater organizational capacity.

Information Requested

FRA is seeking input on how the Program can best support existing IRCs so they are able to take a more central role in advancing the development of intercity passenger rail service. Additionally, although only established IRCs are eligible for financial assistance under the Program, FRA is considering whether offering other types of assistance outside of the Program, such as technical support, to States interested in developing IRCs would be beneficial. Therefore, in addition to questions about the Program, FRA is seeking comments about how it may be able to assist States in those endeavors.

FRA requests that responses to the RFI be organized by the topics outlined below, including references, as applicable, to the numbered questions. Respondents are encouraged to address in their responses any topic they believe to be relevant to the Program and not limited to addressing only those topics and questions outlined below.

Program Eligible Activities

Under the Program, financial assistance is available to established IRCs for—

- Cost of Administration;
- Systems Planning, including the impact on freight operations and ridership; [1]
- Promotion of Intercity Passenger Rail Operations;
- Preparation of applications for competitive Federal grant programs; and
- Operations Coordination.

1. What administrative costs need funding?

2. How would IRCs use funding for systems planning studies?

3. What promotional activities for intercity passenger rail operations require funding?

4. What preparation activities for Federal grant programs require funding?

5. What operations coordination activities require funding?

6. Of the eligible activities listed above, are there activities that are particularly important or helpful to support an IRC's work?

7. What deliverables should FRA require for tasks associated with these activities?

8. How should FRA measure performance for these activities?

Sequencing of Eligible Activities

FRA anticipates that established IRCs at various stages of development may focus on different activities based on issues relevant to the compact, and their capacities. Longer-established, more active compacts may have a greater need to focus on operations coordination while newly-developed compacts may focus more on securing administrative and technical staff and establishing the basic parameters of the compact, such as a mission statement and bylaws. The eligible activities allow for range of endeavors to provide support to IRCs at different stages of development.

Providing a framework to sequence the eligible activities could assist IRCs in identifying key actions to support the development of intercity passenger rail within their region. For example, encouraging the development of a regional rail planning study as a first deliverable could be helpful, because regional rail plans can act as a roadmap to determine how and when corridors services should be implemented. A regional rail plan can still provide this benefit in instances where State departments of transportation have advanced more detailed corridor planning studies, because the analysis completed in a regional rail plan can describe network benefits of operating a region of connected corridors. Some eligible activities, such as the cost of administration, would not be tied to a sequencing framework as these costs are required to support the interstate rail compact throughout the lifecycle of the grant.

9. Would providing a framework for the sequencing of eligible activities be helpful? If so, what should the sequencing framework look like?

10. What are the potential drawbacks of establishing a sequencing framework for eligible activities?

11. What are the potential benefits of establishing a sequencing framework for eligible activities?

IRC Development and Dormant IRCs

As mentioned above, FRA is considering assisting States interested in establishing an IRC to better coordinate developing intercity passenger rail service within a region. Although FRA is unable to offer financial assistance to establish an IRC, FRA is considering providing other types of assistance, such as technical assistance, for this purpose.

Additionally, FRA recognizes that restarting the activities of a dormant IRC is a significant undertaking and the authorized activities of the IRC may no longer reflect present day needs and priorities. FRA is considering how it may assist in these endeavors as well.

Feedback from stakeholders and the public on the below questions will assist FRA in this regard.

12. In what instances should States consider establishing an IRC?

13. What are the specific issues States are seeking to resolve through the establishment of an IRC?

14. What States should consider establishing an IRC?

15. What issues or challenges make it difficult to establish an interstate compact or IRC?

16. How can FRA most effectively facilitate establishing a new IRC?

17. How can FRA best facilitate coordination of project development among States to achieve better service and performance than project development conducted by individual States?

18. In what instances should States consider resuming activities under a dormant IRC?

19. In what instances should States consider legislative action to expand the

[1] Systems planning is a high-level planning process that occurs prior to project specific planning studies and identifies potential solutions to transportation challenges. Regional rail plans are an example of a systems planning study and identify a network of corridors that may have the potential to support intercity passenger rail service within a region.

authorized activities an interstate compact can undertake?

20. What type of assistance from FRA would be helpful in restarting the work of a dormant IRC?

Issued in Washington, DC.

Paul Nissenbaum,

Associate Administrator, Office of Railroad Policy and Development.

[FR Doc. 2022–17888 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0184]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LADY LILA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

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

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0184 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2022–0184 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0184, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LADY LILA is:

—*Intended Commercial Use of Vessel:* ''Time charters.''

—*Geographic Region Including Base of Operations:* ''Florida, New Jersey, Connecticut, Rhode Island, New York.'' (Base of Operations: Brooklyn, NY)

—*Vessel Length and Type:* 39.3′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0184 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0184 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy*.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17861 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0185]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SERENITY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

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

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0185 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2022–0185 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0185, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SERENITY is:

—*Intended Commercial Use of Vessel:* ''Intended to be used as a 6 passenger fishing, diving, and tour vessel.''

—*Geographic Region Including Base of Operations:* ''North Carolina.'' (Base of Operations: Beaufort, NC)

—*Vessel Length and Type:* 25.25′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0185 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0185 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy*.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17863 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0186]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MIRABELLA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

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

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0186 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0186 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0186, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MIRABELLA is:

—*Intended Commercial Use of Vessel:* ''6 passenger charters.''
—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Fort Pierce, FL)
—*Vessel Length and Type:* 65′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0186 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0186 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17862 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0187]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BONKERS (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

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

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0187 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0187 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0187, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BONKERS is:

—*Intended Commercial Use of Vessel:* ''Day charters and multi-day charters for 6 passengers or less.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Key West, FL)
—*Vessel Length and Type:* 51.5′ Motor (Power Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0187 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0187 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–17860 Filed 8–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0515]

Agency Information Collection Activity: Maintenance of Records Under 38 CFR 36.4333

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice; correction.

SUMMARY: The Department of Veterans Affairs (VA) requested publication of a 30-day notice in the **Federal Register** on Monday, August 15, 2022 which needs to be recalled. The 30-day Public Comment notice was a duplicate.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0515'' in any correspondence.

Correction

Recall 30-day notice for 2900–0515, Maintenance of Records Under 38 CFR 36.4333 requested on August 15, 2022.

Dated: August 16, 2022.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–17865 Filed 8–18–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Special Medical Advisory Group (the Committee) will meet on September 14, 2022, from 9 a.m. EDT to 3:30 p.m. EDT, at VA Boston. The meeting is open to the public, though the public will only be able to attend virtually. Members of the Committee may join in person or virtually. Join via Webex (please contact POC below for assistance connecting): *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mc14997f9966d6a9a2050f9a32bfca42f.* Join by phone: 1–404–397–1596, Access code 27634106761.

The purpose of the Committee is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Veterans Health Administration.

On September 14, 2022, the agenda for the meeting will include discussions on federal supremacy, violence in the federal workplace, combatting Veteran homelessness, research and education, Long COVID and core competencies for current and future health professionals.

Members of the public may submit written statements for review by the Committee to: Department of Veterans Affairs, Special Medical Advisory Group—Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420 or by email at *VASMAGDFO@va.gov.* Comments will be accepted until close of business on Monday, September 12, 2022.

Any member of the public wishing to attend the meeting or seeking additional information should email *VASMAGDFO@va.gov* or call 202–461–7000.

Dated: August 16, 2022.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–17902 Filed 8–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0162]

Agency Information Collection Activity Under OMB Review: Monthly Certification of Flight Training

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection revision 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. Refer to ''OMB Control No. 2900–0162.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0162'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3032(e), 3231(e), 3313(g)(3)(C), and 3680(g); 38 CFR 21.4203(g), 21.7640(a)(5); 10 U.S.C. 16131, and 10 U.S.C. 16166.

Title: Monthly Certification of Flight Training, VA Form 22–6553c.

OMB Control Number: 2900–0162.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information from the collection to ensure that the amount of benefits payable to the student who is pursuing flight training is correct. Without this information, VA would not have a basis upon which to make payment. Payment of educational assistance benefits for flight training cannot be made without the information (either a completed paper form or electronically. Since benefits are payable monthly, the collection of information must be on a monthly basis, provided the student has flown during the month.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 12830 on June 15, 2022, page 36209.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,527 hours.

Estimated Average Burden Time per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,055.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–17876 Filed 8–18–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0515]

Agency Information Collection Activity; Maintenance of Records

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected

cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 19, 2022. (Inserted by the Clearance Officer.)

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0515'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0515'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 CFR 36.4317.

Title: Maintenance of Records Under 38 CFR 36.4333.

OMB Control Number: 2900–0515.

Type of Review: Revision.

Abstract: VA is submitting this revised information collection in advance of implementing new technology and oversight procedures in which VA will collect from lenders certain loan origination information via a computable electronic format.

The information collected under § 36.4333 is used by VA to ensure lenders and servicers who participate in VA's Loan Guaranty program follow statutory and regulatory requirements, such as those relating to credit information, loan processing requirements, underwriting standards, servicing requirements, and other applicable laws, regulations and policies. VA also uses data collected under this authority to provide annual feedback to lenders, through the Lender Scorecard, on certain loan characteristics such as interest rate, fees and charges, audit results, etc., as compared to the national average of all VA lenders.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 11369 on May 26, 2022, page 32076.

Affected Public: Private Sectors.

Estimated Annual Burden: 14,983 hours.

Estimated Average Burden per Respondent: 0.01 hours.

Frequency of Response: 2.9 times.

Estimated Number of Respondents: 1,385,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–17822 Filed 8–18–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of VA's National Academic Affiliations Council (NAAC) will be held September 28, 2022–September 29, 2022, at the Orlando VA Health Care System, 13800 Veterans Way, Orlando, FL 32827. The meetings are open to the public, except when the NAAC is conducting tours of VA facilities. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C. 552b(c)(6).

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On September 28, 2022, the Council will convene an open session from 9:00 a.m. to 12:45 p.m. The agenda will include a presentation on Innovative Academic Relationships: A National Perspective. The Council will also have a presentation from VISN 8 and Orlando VA Health Care System on Academic Relationships and Accomplishments and receive updates from the Diversity and Inclusion Subcommittee, the Strategic Academic Advisory Council (SAAC), VA's Electronic Health Record Modernization Work Group related to education and research; and a status update on Mission Act Section 403. In the afternoon, the Council will begin the closed portion of the meeting from 12:45 p.m. to 3:00 p.m., as it tours the Orlando VA Health Care System. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C. 552b(c)(6). The Council will reconvene at 3:00 p.m. for discussions and recommendations. The meeting will adjourn day one at 4:00 p.m.

On September 29, 2022, at 12:00 p.m., the Council will reconvene for day two. The day two agenda includes a panel discussion with Orlando VA Health Care System leadership and trainees related to Diversity in Trainee Recruitment and Retention. The Council will have a question-and-answer session, followed by Council discussions and recommendations. The Council will receive public comments from 1:15 p.m. to 1:30 p.m. and will adjourn the meeting at 1:45 p.m.

Interested persons may attend and present oral statements to the Council. A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting, or at any time via email to *Larissa.Emory@va.gov.* Any member of the public wishing to attend or seeking additional information should contact Ms. Emory via email or by phone at (915) 269–0465. Because the meeting will be held in a government building, anyone attending must be prepared to submit to security screening and present a valid photo I.D. Please allow at least 30 minutes prior to the meeting for this process.

Dated: August 16, 2022.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–17918 Filed 8–18–22; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Department of Energy

10 CFR Part 430
Energy Conservation Program: Test Procedure for External Power Supplies; Final Rule

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2019–BT–TP–0012]

RIN 1904–AD86

Energy Conservation Program: Test Procedure for External Power Supplies

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

ACTION: Final rule.

SUMMARY: This final rule amends the current U.S. Department of Energy test procedure for external power supplies by clarifying the scope of the test procedure more explicitly, providing more specific instructions for testing single-voltage external power supplies with multiple-output busses and external power supplies shipped without an output cord, providing instructions allowing for functionality unrelated to the external power supply circuit to be disconnected during testing so long as the disconnection does not impact the functionality of the external power supply itself, specifying test requirements for adaptive external power supplies that conform to the industry-based Universal Serial Bus Power Delivery specifications consistent with current test procedure waivers that DOE has already granted for these products, and reorganizing the test procedure to centralize definitions, consolidate generally applicable requirements, and better delineate requirements for single-voltage, multiple-voltage, and adaptive external power supplies.

DATES: The effective date of this rule is September 19, 2022. The final rule changes will be mandatory for product testing starting February 15, 2023. The incorporation by reference of certain other publications listed in this rule was approved by the Director of the Federal Register on September 24, 2015.

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

A link to the docket web page can be found at *www.regulations.gov/docket?D=EERE-2019-BT-TP-0012*. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

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

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 586–9870. Email: *EPS2019TP0012@ee.doe.gov*.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority and Background

An external power supply (''EPS'') is a ''covered product'' for which the United States Department of Energy (''DOE'') is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6295(u)(1)(A)) DOE's energy conservation standards and test procedures for EPSs are currently prescribed at 10 CFR 430.32(w) and 10 CFR 430.23(bb), respectively. The following sections discuss DOE's authority to establish test procedures for EPSs and relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include EPSs, the subject of this document. (42 U.S.C. 6291(36)(A); 42 U.S.C. 6295(u))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA (42 U.S.C. 6295(s)), and (2) making other representations about the efficiency of those products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle (as determined by the Secretary) or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

The Energy Policy Act of 2005 (''EPACT 2005''), Public Law 109–58 (Aug. 8, 2005), amended EPCA by adding provisions related to EPSs. Among these provisions were a definition of EPS and a requirement that DOE prescribe ''definitions and test procedures for the power use of battery chargers and external power supplies.'' (42 U.S.C. 6295(u)(1)(A)) DOE complied with this requirement by publishing a test procedure final rule to address the testing of EPSs to measure their energy efficiency and power consumption. 71 FR 71340 (Dec. 8, 2006) (codified at 10 CFR part 430, subpart B, appendix Z, ''Uniform Test Method for Measuring the Energy Consumption of External Power Supplies'').

The Energy Independence and Security Act of 2007 (''EISA 2007''), Public Law 110–140 (Dec. 19, 2007) later amended EPCA by modifying the EPS-related definitions found in 42 U.S.C. 6291. While section 135(a)(3) of EPACT 2005 had defined an EPS as ''an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product,'' section 301 of EISA 2007 amended this definition further by creating a subset of EPSs called Class A EPSs. EISA 2007 defined this subset of products as those EPSs that, in addition to meeting several other requirements common to all EPSs, are ''able to convert [line voltage AC] to only 1 AC or DC output voltage at a time'' and have ''nameplate output power that is less than or equal to 250 watts.'' (42 U.S.C. 6291(36)(C)(i)) As part of these amendments, EISA 2007 prescribed minimum standards for these products (hereafter referred to as ''Level IV'' standards based on ENERGY STAR marking provisions detailed under 42 U.S.C. 6295(u)(3)(C)) and directed DOE to publish a final rule to determine whether to amend these standards.[3] (42 U.S.C. 6295(u)(3)(A) and (D)) EISA 2007 also required DOE to publish a second rule to determine whether the standards then in effect should be amended. (42 U.S.C. 6295(u)(3)(D)(ii))

EISA 2007 also amended EPCA by defining the terms ''active mode,'' ''standby mode,'' and ''off mode.'' 42 U.S.C. 6295(gg)(1)(A) EISA 2007 additionally authorized DOE to amend, by rule, the definitions for active, standby, and off mode, taking into consideration the most current versions of International Electrotechnical Commission (''IEC'') Standard 62301[4] and IEC Standard 62087.[5] 42 U.S.C. 6295(gg)(1)(B) EISA 2007 also amended EPCA to require that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

Following the amendments to EPCA under EISA 2007, Congress further amended EPCA to exclude EPSs used for certain security and life safety alarms and surveillance systems manufactured prior to July 1, 2017, from no-load standards. Public Law 111–360 (January 4, 2011). EPCA's EPS provisions were again amended by the Power and Security Systems (''PASS'') Act, which extended the rulemaking deadline and effective date established under the EISA 2007 amendments from July 1, 2015, and July 1, 2017, to July 1, 2021, and July 1, 2023, respectively. Public Law 115–78 (November 2, 2017); 131 Stat. 1256, 1256; 42 U.S.C. 6295(u)(3)(D)(ii)). The PASS Act also extended the exclusion of certain security and life safety alarms and surveillance systems from no-load standards until the effective date of the final rule issued under 42 U.S.C. 6295(u)(3)(D)(ii) and allows the Secretary to treat some or all EPSs designed to be connected to a security or life safety alarm or surveillance system as a separate product class or to further extend the exclusion. (42 U.S.C. 6295(u)(3)(E)(ii) and (iv))

Most recently, on January 12, 2018, the EPS Improvement Act of 2017, Public Law 115–115, amended EPCA to exclude the following devices from the EPS definition: power supply circuits, drivers, or devices that are designed exclusively to be connected to, and power (1) light-emitting diodes providing illumination, (2) organic light-emitting diodes providing illumination, or (3) ceiling fans using direct current motors.[6] (42 U.S.C. 6291(36)(A)(ii))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including EPSs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating

[3] The international efficiency markings on which DOE's marking requirements are based consist of a series of Roman numerals (I–VI) and provide a global uniform system for power supply manufacturers to use that indicates compliance with a specified minimum energy performance standard. *www.regulations.gov/document?D=EERE-2008-BT-STD-0005-0218.*

[4] IEC 62301, *Household electrical appliances—Measurement of standby power* (Edition 2.0, 2011–01).

[5] IEC 62087, *Audio, video and related equipment—Methods of measurement for power consumption* (Edition 1.0, Parts 1–6: 2015, Part 7: 2018).

[6] DOE amended its regulations to reflect the changes introduced by the PASS Act and EPS Improvement Act. 84 FR 437 (January 29, 2019).

costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A))

If the Secretary determines, on her own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days in total. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)). If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. (42 U.S.C. 6293(b)(1)(A)(ii)).

DOE is publishing this final rule in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

B. Background

DOE's existing test procedure for EPSs appear at 10 CFR part 430, subpart B, appendix Z, ''Uniform Test Method for Measuring the Energy Consumption of External Power Supplies'' (''appendix Z''). DOE most recently amended the test procedure for EPS in a final rule published on August 25, 2015 (the ''August 2015 Final Rule''). 80 FR 51424. The August 2015 Final Rule provided additional detail to appendix Z in response to comments received from industry regarding the testing of certain EPSs. 80 FR 51424, 51429–51433. DOE also updated references to the latest version of IEC 62301, ''Household electrical appliances—Measurement of standby power,'' Edition 2.0, 2011–01, and clarified its test procedure to better reflect evolving technologies. 80 FR 51424, 51431–51433, 51440.

Since the publication of the August 2015 Final Rule, DOE received a number of requests seeking waivers from the DOE test procedure involving certain EPS products. On June 8, 2017, and June 22, 2017, the Information Technology Industry Council (''ITI,'') on behalf of four petitioners—Apple, Inc. (''Apple,'') Microsoft Corporation (''Microsoft,'') Poin2 Lab (''Poin2,'') and Hefei Bitland Information Technology Co., Ltd. (''Bitland'')—filed petitions for waivers from the current DOE test procedure for EPSs under 10 CFR 430.27 for several basic models of adaptive EPSs that meet the voltage and current specifications of IEC Standard 62680–1–2 ''Universal serial bus interfaces for data and power—Part 1–2: Common components—USB Power Delivery'' (''IEC 62680–1–2''). (Hereafter, these devices are referred to as ''USB–PD'' EPSs.) IEC 62680–1–2 specifies the relevant performance and compatibility-related specifications for a universal serial bus (''USB'') system but does not, like some other IEC documents, prescribe any specific testing requirements. An adaptive EPS is one with an output bus that can alter its output voltage based on an established digital communication protocol with the end-use application without any user-generated action. In a notice published on July 24, 2017, DOE granted the petitions for interim waiver and specified an alternate test procedure the manufacturers were required to follow when testing and certifying the specific basic models for which the petitioners requested a waiver. 82 FR 34294. On March 16, 2018, DOE published a notice of decision and order announcing that it had granted the petitioners a waiver from the EPS test procedure for certain adaptive EPSs. 83 FR 11738. The decision and order required the petitioners to test and certify these models according to the alternate test procedure presented in the decision and order. *Id.* at 83 FR 11740. Subsequently, DOE published a series of decision and order notices granting the same alternate test procedure waiver to Huawei Technologies (83 FR 25448 (June 1, 2018)), Apple for two additional basic models (83 FR 50905 (October 10, 2018) and 83 FR 60830 (November 27, 2018)), and Anker (84 FR 59365 (November 4, 2019)) (Case Nos. 2017–014, 2018–005, 2018–010, 2019–005, respectively.)

On December 6, 2019, DOE published a notice of proposed rulemaking (''NOPR'') (the ''December 2019 NOPR''), in which it proposed to amend the test procedure for EPSs as follows: (1) adopt a definition of ''commercial and industrial power supply'' that would apply specific characteristics to help distinguish these power supplies from EPSs, as defined in EPCA, which are consumer products under the statute; (2) amend the definition of ''external power supply'' to expressly exclude any ''commercial and industrial power supply'' from the scope of the test procedure; (3) create a definition for USB–PD EPSs and amend their testing requirements, consistent with the issued waivers; (4) provide additional direction for testing single-voltage EPSs with multiple-output busses; (5) provide instructions to allow any functionality that is unrelated to the external power supply circuit to be disconnected during testing as long as the disconnection does not impact the functionality of the external power supply itself; and (6) reorganize the test procedure to remove redundant definitions, modify the definition of ''average active-mode efficiency,'' centralize definitions, consolidate generally applicable requirements, and better delineate requirements for single-voltage, multiple-voltage, and adaptive EPSs. 84 FR 67106, 67109. DOE held a public meeting on December 11, 2019, via a webinar to present the proposed amendments and provide stakeholders with further opportunity to comment.[7]

DOE received comments in response to the December 2019 NOPR from the interested parties listed in Table I.1.

TABLE I.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE DECEMBER 2019 NOPR

Commenter(s)	Reference in this Final Rule	Docket No.	Commenter type
USB Implementers Forum	USB–IF	6	Trade Association.
Canadian Standards Association	CSA	8, 9	Efficiency Organization.
Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric; collectively, the California Investor-Owned Utilities.	CA IOUs	10	Utility Association.
Consumer Technology Association	CTA	11	Trade Association.

[7] The transcript of the public meeting is available at *www.regulations.gov/document?D=EERE-2019-BT-TP-0012-0004.*

TABLE I.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE DECEMBER 2019 NOPR—Continued

Commenter(s)	Reference in this Final Rule	Docket No.	Commenter type
National Electrical Manufacturers Association, American Lighting Association.	NEMA/ALA	12	Trade Association.
Information Technology Industry Council	ITI	13	Trade Association.

DOE subsequently issued a supplemental notice of proposed rulemaking (''SNOPR'') (the ''November 2021 SNOPR'') on November 2, 2021, to supplement (or, in certain instances, replace) the proposed amendments from the December 2019 NOPR with amendments that would provide as follows: (1) remove reference in the scope section of appendix Z to direct operation and indirect operation Class A EPSs because there is no distinction in how these EPSs are tested; (2) align the test procedure with the scope of the energy conservation standards set forth at 10 CFR 430.32(w)(1) more explicitly by excluding from testing devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product; (3) specify testing requirements for EPSs that are packaged without an output cord to provide explicitly that these EPSs are tested with an output cord that is recommended for use by the manufacturer; (4) modify the proposal from the December 2019 NOPR to define ''USB–PD'' EPS so as to include programmable power supplies (''PPSs'') and USB–PD EPSs with optional voltages and currents; and amend the definition of ''nameplate output power'' further to specify that USB–PD EPSs must be tested at the lowest nameplate output voltage, which can be as low as 3.3 volts for PPSs, rather than at 5 volts (as was proposed in the December 2019 NOPR); and (5) modify the December 2019 NOPR's proposal to no longer propose relocating the definitions of ''Class A external power supply,'' ''basic-voltage external power supply,'' ''direct operation external power supply,'' ''indirect operation external power supply,'' and ''low-voltage external power supply'' at 10 CFR 430.2 rather than include them in appendix Z. 86 FR 60376, 60379. DOE held a public meeting on December 13, 2021, via a webinar to present the proposed amendments in the November 2021 SNOPR and provide stakeholders with further opportunity to comment.[8]

DOE received comments in response to the November 2021 SNOPR from the interested parties listed in Table I.2.

TABLE I.2—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE NOVEMBER 2021 SNOPR

Commenter(s)	Reference in this Final Rule	Docket No.	Commenter type
Aohai	Aohai	18	Manufacturer
Association of Home Appliance Manufacturers, Consumer Technology Association, Outdoor Power Equipment Institute, Plumbing Manufacturers Institute, Power Tool Institute.	AHAM/CTA/OPEI/PMI/PTI	26	Trade Association.
Information Technology Industry Council	ITI	22	Trade Association.
National Electrical Manufacturers Association	NEMA	24	Trade Association.
Northwest Energy Efficiency Alliance, Appliance Standards Awareness Project, Natural Resources Defense Council.	NEEA/ASAP/NRDC	27	Efficiency Organization.
Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric; collectively, the California Investor-Owned Utilities.	CA IOUs	25	Utility Association.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[9]

II. Synopsis of the Final Rule

This final rule amends the current EPS test procedure as follows:

(1) Adopts a definition of ''commercial and industrial power supply'' that would apply specific characteristics to help distinguish these power supplies from EPSs, as defined in EPCA; and amends the definition of ''external power supply'' to expressly exclude any ''commercial and industrial power supply.''

(2) Deletes the specific reference to direct operation EPSs and indirect operation Class A EPSs from the ''Scope'' section of the test procedure.

(3) Specifies explicitly that devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product are not subject to the test procedure.

(4) Provides additional direction for testing single-voltage EPSs with multiple-output busses and multiple-voltage adaptive EPSs.

(5) Provides instructions that functionality unrelated to the external power supply circuit is disconnected during testing so long as the disconnection does not impact the functionality of the external power supply itself.

(6) Specifies test provisions for adaptive EPSs that meet the voltage and current specifications of IEC 62680–1–2, consistent with current waivers granted to these products; defines ''USB–PD EPS'' in appendix Z; and revises the definition of nameplate output power to better accommodate such products.

(7) Requires EPSs that are not supplied with an output cord to be tested with an output cord recommended for use by the manufacturer.

(8) Improves overall readability of the test procedure by adding a new section 0 in appendix Z to specify applicable

[8] The transcript of the public meeting is available at *www.regulations.gov/document?D=EERE-2019-BT-TP-0012-0023.*

[9] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop test procedures for EPSs. (Docket No. EERE–2019–BT–TP–0012, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

sections of industry standard incorporated by reference; reorganizing the test procedure to remove redundant definitions; modifying the definition of ''average active-mode efficiency;'' centralizing definitions; consolidating generally applicable requirements; and better delineating requirements for single-voltage, multiple-voltage, and adaptive EPSs.

The adopted amendments are summarized and compared to the test procedure provisions prior to these amendments in Table II.1 of this document. Both the history of the adopted amendments over the course of the rulemaking process and the reason for the changes are also summarized in Table II.1.

TABLE II.1—SUMMARY OF CHANGES IN THE AMENDED TEST PROCEDURE

Current DOE test procedure	December 2019 NOPR	November 2021 SNOPR	Amended test procedure	Attribution
Defines EPS as a power supply circuit used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.	Proposed to define a ''commercial and industrial power supply'' that would apply specific characteristics to distinguish these power supplies from EPSs; and amend the definition of ''external power supply'' to expressly exclude any ''commercial and industrial power supply.''.	Proposed to maintain the current definition of an EPS and instead use the proposed definition of a ''commercial and industrial power supply'' to exclude such products from the scope of appendix Z.	Defines a ''commercial and industrial power supply'' that will apply specific characteristics to distinguish these power supplies from EPSs; amends the definition of ''external power supply'' to expressly exclude any ''commercial and industrial power supply.'' 10 CFR 430.2.	Better define scope of test procedure in response to stakeholder inquiries.
Requires adaptive EPSs that meet the IEC 62680–1–2 specification to test at 3 amps for the 100% loading condition at the lowest operating output voltage of 5 volts.	Proposed to define an adaptive EPS that meets the voltage/current specifications of IEC 62680–1–2 as a ''USB–PD EPS'' and require that it be tested at 2 amps for the 100% loading condition at the lowest operating output voltage of 5 volts. Also proposed to define a USB Type-C connector.	Proposed to define an adaptive EPS that meets the voltage/current specifications of IEC 62680–1–2 as a ''USB–PD EPS'' and require that it be tested at 2 amps for the 100% loading condition at the lowest operating output voltage, which can be as low as 3.3 volts. Also proposed to define a USB Type-C connector.	Defines an adaptive EPS that meets the voltage/current specifications of IEC 62680–1–2 as a ''USB–PD EPS'' and requires that it be tested at 2 amps for the 100% loading condition at the lowest operating output voltage, which can be as low as 3.3 volts. Also defines a USB Type-C connector. 10 CFR part 430, subpart B, appendix Z, sec. 3, 6(a)(1)(iii)B, 6(b)(1)(iii)B.	Address waivers for adaptive EPSs and update to industry test standard.
Adaptive EPS instructions are currently a subsection within the single-voltage EPS testing instructions in section 4(a)(i)(E) of appendix Z.	Proposed to move instructions for non-adaptive EPSs to section 5 of appendix Z and add a new section 6 for testing all adaptive EPSs, with two sub-sections for single-voltage and multiple-voltage adaptive EPSs.	Not supplemented	Moves instructions for non-adaptive EPSs to section 5 of appendix Z and adds a new section 6 for testing all adaptive EPSs, with two sub-sections for single-voltage and multiple-voltage adaptive EPSs. 10 CFR part 430, subpart B, appendix Z, sec. 6.	Address waivers for adaptive EPSs, address stakeholder inquiries, and improve the readability of the test procedure.
Does not explicitly provide instructions for testing single-voltage EPSs with multiple-output busses.	Proposed to provide explicit instructions for testing single-voltage EPSs with multiple-output busses.	Not supplemented	Provides explicit instructions for testing single-voltage EPSs with multiple-output busses. 10 CFR part 430, subpart B, appendix Z, sec. 5(a)(1)(iv).	Address innovation in the marketplace and stakeholder inquiries.
Does not provide instructions for allowing functions unrelated to the external power supply circuit to be disconnected during testing.	Proposed to provide explicit instructions for disconnecting non-EPS functions during testing.	Not supplemented	Provides explicit instructions for disconnecting non-EPS functions during testing. 10 CFR part 430, subpart B, appendix Z, sec. 4(i).	Improve reproducibility of test results.
Does not explicitly exclude devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product.	Not discussed	Proposed to exclude devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product.	Excludes devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product. 10 CFR part 430, subpart B, appendix Z, sec. 2.	Address stakeholder inquiries.

TABLE II.1—SUMMARY OF CHANGES IN THE AMENDED TEST PROCEDURE—Continued

Current DOE test procedure	December 2019 NOPR	November 2021 SNOPR	Amended test procedure	Attribution
Does not explicitly provide instructions for testing EPSs that are not supplied with output cords.	Not discussed	Proposed to require EPSs that are not supplied with an output cord to test with an output cord recommended for use by the manufacturer.	Requires EPSs that are not supplied with an output cord to test with an output cord. 10 CFR part 430, subpart B, appendix Z, sec. 4(g).	Improve representativeness of the test procedure.
Defines ''nameplate output power'' as the value on the product's nameplate or manufacturer's documentation.	Proposed to redefine ''nameplate output power'' to provide an exception for USB–PD EPSs, which are tested at 10W. The exception permits adaptive EPSs meeting this specification to be tested using the same 10W level.	Proposed to further amend the definition of ''nameplate output power'' to specify that USB–PD EPSs must be tested at the lowest nameplate output voltage, which can be as low as 3.3 volts for PPSs, rather than at 5 volts.	Amends the definition of ''nameplate output power'' to specify that USB–PD EPSs must be tested at the lowest nameplate output voltage, which can be as low as 3.3 volts for PPSs, rather than at 5 volts. 10 CFR part 430, subpart B, appendix Z, sec. 3.	Address adaptive EPS waivers and stakeholder comments.
Contains redundant definitions that had been carried over from previous revisions of the test procedure but are no longer referenced.	Proposed to remove redundant definitions that are no longer referenced.	Not supplemented	Removes redundant definitions that are no longer referenced. 10 CFR part 430, subpart B, secs. 2e., h., l., m.,y.	Improve ease of reference and readability.
Numerous EPS related definitions are spread across multiple locations in the CFR.	Proposed to consolidate all EPS related definitions in appendix Z.	Proposed to retain all EPS related definitions at 10 CFR 430.2 except ''adaptive external power supply''.	Retains all EPS related definitions at 10 CFR 430.2 except ''adaptive external power supply''. 10 CFR part 430, subpart B, appendix Z, sec. 3.	Improve readability and applicability of the test procedure.
Does not include the definition of Class A EPSs in appendix Z.	Proposed to include the Class A EPS definition in appendix Z.	Proposed to retain the Class A EPS definition in 10 CFR 430.2 only and not include it in appendix Z.	Retains the Class A EPS definition in 10 CFR 430.2 only and not include it in appendix Z. 10 CFR 430.2.	Improve readability and applicability of the test procedure.
Defines ''average active-mode efficiency'' as the average of the loading conditions for which a unit can sustain output current.	Proposed to redefine ''average active-mode efficiency'' to explicitly reference the average of the active mode efficiencies measured at the loading conditions for which a unit can sustain output current.	Not supplemented	Redefines ''average active-mode efficiency'' to explicitly reference the average of the active mode efficiencies measured at the loading conditions for which a unit can sustain output current. 10 CFR part 430, subpart B, appendix Z, sec. 3.	Improve readability of the test procedure.
Contains repetitive instructions across multiple sections on uncertainty and resolution requirements for power measurements, room air speed and temperature conditions, input voltage source, product configuration, and wire gauge requirements for leads.	Proposed to consolidate these requirements that are applicable to all EPSs into a single section within appendix Z.	Not supplemented	Consolidates these requirements that are applicable to all EPSs into a single section within appendix Z. 10 CFR part 430, subpart B, appendix Z, sec. 4.	Improve readability of the test procedure.
Incorporates by reference IEC 62301 Ed. 2.0 in its entirety.	Proposed to specify sections of IEC 62301, applicable to the test procedure and to update the shorthand notation.	Not supplemented	Creates a new section 1 in appendix Z to note the particular sections from IEC 62301 that are applicable to appendix Z. 10 CFR part 430, subpart B, appendix Z, sec. 1.	Improve readability.

To the extent that DOE has determined that the amendments adopted in this final rule would impact the measured energy efficiency of an EPS, DOE notes in section III.H of this document that testing according to such amendments will not be required until such time as compliance is required with new and amended energy conservation standards, should such standards be established or amended. DOE has also determined that the amendments would not be unduly burdensome to conduct. Discussion of DOE's actions are addressed in detail in section III of this document.

The effective date for the amended test procedure adopted in this final rule is 30 days after publication of this document in the **Federal Register**. Representations of energy use or energy efficiency must be based on testing in accordance with the amended test procedures beginning 180 days after the publication of this final rule.

III. Discussion

In this test procedure final rule, DOE adopts amendments to the test procedure for EPSs at appendix Z. Specifically, this final rule adds a definition for ''commercial and industrial power supply'' to remove commercial and industrial power supplies from the definition of ''external power supply,'' thus excluding commercial and industrial power supplies from the EPS test procedure and energy conservation standards; removes references to direct and indirect operation Class A EPSs; excludes devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product; provides more specific instructions for testing single-voltage EPSs with multiple-output busses and EPSs shipped without an output cord; addresses adaptive EPSs that conform to the USB–PD specifications to test such EPSs in a manner more representative of their actual use; provides instructions allowing functionality unrelated to the external power supply circuit to be disconnected during testing so long as the disconnection does not impact the functionality of the external power supply itself; and reorganizes the test procedure to centralize definitions, consolidate generally applicable requirements, and better delineate requirements for single-voltage, multiple-voltage, and adaptive EPSs.

A. Scope of Applicability

1. Commercial and Industrial Power Supplies

In the December 2019 NOPR, DOE proposed to adopt a definition of ''commercial and industrial power supply'' that would apply specific characteristics to help distinguish these power supplies from EPSs, as defined in EPCA, and to amend the definition of ''external power supply'' to clarify that an ''commercial and industrial power supply'' would be excluded from the scope of this definition. 84 FR 67106, 67111. Power supplies that meet the definition of ''commercial and industrial power supply'' would, therefore, not be subject to the EPS test procedure. *Id.*

In the November 2021 SNOPR, DOE modified its approach and explained that it was proposing to instead maintain the current definition of an EPS and use the proposed definition of a ''commercial and industrial power supply'' to exclude such EPSs from the scope of the test procedure. 86 FR 60376, 60380. DOE notes, however, that the proposed regulatory text accompanying the November 2021 SNOPR reflected the same amendments proposed in the December 2019 NOPR with respect to commercial and industrial power supplies (*i.e.,* the proposed regulatory text in the November 2021 NOPR included a revised definition of ''external power supply'' that would expressly exclude any ''commercial and industrial power supply'').

The proposed definition of a ''commercial and industrial power supply'' incorporated specific characteristics provided in a guidance document published by DOE on December 20, 2017 (the ''December 2017 guidance'').[10] 84 FR 67106, 67111.

In response to the proposed definition in the December 2019 NOPR, the CA IOUs, NEMA/ALA, and ITI generally supported the proposed amendment to define and explicitly exclude commercial and industrial power supplies from the EPS test procedure and suggested further amendments to the definition. (CA IOUs, No. 10 at pp. 1–2; NEMA/ALA, No. 12 at pp. 4–5; ITI, No. 13 at pp. 3–4) The CA IOUs urged DOE to ensure that the definition is suitably distinct from an EPS, such that DOE may implement separate energy conservation standards for commercial and industrial power supplies in a future rulemaking. (CA IOUs, No. 10 at pp. 1–2)

NEMA/ALA suggested adding the following two additional criteria to the definition of a commercial and industrial power supply:

(1) If a power supply has an input power plug other than NEMA Type 1–15P or 5–15P, and;

(2) If a power supply categorized as Class A Equipment with respect to conducted emissions as described in Federal Communications Commission (''FCC'') part 15 regulations. (NEMA/ALA, No. 12 at pp. 4–5)

NEMA/ALA asserted that these additional criteria would further clarify the distinction between commercial and consumer products. (*Id.* at p.) In their view, the inclusion of the first suggested provision would help distinguish an EPS from an uninterruptible power supply while the inclusion of the second provision would dovetail with the FCC's categorization of Class A equipment as being commercial equipment. (*Id.* at pp. 4–5)

Regarding NEMA/ALA's first suggested additional criterion, DOE has identified EPSs in the marketplace that do not utilize the NEMA 1–15/5–15P plugs but are subject to EPS regulations. Therefore, DOE has determined that the suggested reference to NEMA 1–15 and 5–15 plugs would be an insufficient means of differentiation.

Regarding NEMA/ALA's second suggested additional criterion, DOE notes that criterion number 6(a) in the proposed definition of a commercial and industrial power supply references Class A equipment as defined by CISPR 11, which covers Class A equipment as defined in the FCC part 15 regulations. Therefore, incorporating this additional criterion into the definition would be redundant and is not necessary.

NEMA/ALA also suggested minor edits to the language of the ''commercial and industrial supply'' definition that they stated would provide technical accuracy. Specifically, NEMA/ALA recommended specifying the requirement for ''a 3-phase input power connection,'' as opposed to ''3-phase input power;'' modifying ''household current'' to ''household mains electricity;'' and referring to a connection as ''permanent'' as opposed to ''non-removable.'' (*Id.* at p. 4) NEMA/ALA asserted that it is inaccurate to refer to household mains electricity as ''household current'' because household current can vary depending on the voltage supplied and the amount of load connected; and the household voltage varies depending on the condition of the grid. (*Id.* at pp. 7–8).

[10] The guidance document is available in the rulemaking docket at *www.regulations.gov/document/EERE-2019-BT-TP-0012-0001.*

DOE agrees that using the term ''household mains electricity'' in the definition of commercial and industrial power supply is more appropriate than ''household current'' or other similar terms. With regards to NEMA/ALA's suggestion to replace use of the terms ''3-phase input power'' with ''3-phase input power connection'' and ''non-removable'' with ''permanent,'' DOE does not see a difference meaningful enough to warrant deviating from the definition proposed in the November 2021 SNOPR. In this final rule, DOE modifies the language of the adopted definition of a commercial and industrial power supply to replace ''household current'' with ''household mains electricity.''

ITI supported the amendment to define a commercial and industrial power supply but expressed concern that the definition does not contain language stating that a product may still be considered a commercial and industrial power supply even if it does not meet any of the criteria listed in the definition of a commercial and industrial power supply. (ITI, No. 13 at pp. 3–4) According to ITI, the omission of such language from the definition may expand the scope of EPS regulations if certain power supplies that were not previously regulated cannot meet the definition of a commercial and industrial power supply. (ITI, No. 13 at pp. 3–4; ITI, No. 22 at pp. 1–2)

As stated in the December 2017 guidance, the list of criteria is not intended to be exhaustive; [11] as a power supply that does not meet one or more of the eight criteria may still be considered a commercial or industrial power supply. Consistent with the December 2017 guidance, DOE clarifies in this final rule that a commercial and industrial power supply is one that is not distributed in commerce for use with a consumer product and *may* [emphasis added] include one of the listed criteria.

In response to the November 2021 SNOPR, NEEA/ASAP/NRDC agreed with DOE that commercial and industrial power supplies should not be included with the established EPS test procedure. NEEA/ASAP/NRDC stated there is an opportunity for significant energy savings with a separate set of standards and test procedure and encouraged DOE to consider commercial and industrial power supplies as a future rulemaking opportunity. (NEEA/ASAP/NRDC, No. 27 at pp. 7–9) DOE acknowledges the comment but notes that a discussion regarding standards and test procedures for commercial and industrial power supplies is outside the scope of this rulemaking.

In this final rule, DOE amends the definition of ''external power supply'' to expressly exclude ''commercial and industrial power supplies,'' consistent with the December 2017 guidance, as proposed in the December 2019 NOPR, and presented in the proposed regulatory text in the November 2021 SNOPR. A power supply that meets the definition of ''commercial and industrial power supply'' does not meet the definition of ''external power supply'' under EPCA—so long as the power supply is not, in fact, distributed in commerce for use with a consumer product—and is therefore not subject to the EPS test procedure or energy conservation standards.

The definition of a commercial and industrial power supply adopted in this final rule is as proposed in the December 2019 NOPR with edits reflecting the change in language from ''household current'' to ''household mains electricity'' and the addition of clarifying language that the criteria listed is not an exhaustive list.

2. Direct Operation and Indirect Operation EPSs

In section 1 of appendix Z, the scope of the EPS test procedure is specified with references to direct operation EPSs and indirect operation Class A EPSs. In the November 2021 SNOPR, DOE proposed to remove these references from the ''Scope'' section of appendix Z and instead state that the test procedure's scope includes all EPSs subject to the energy conservation standards set forth at 10 CFR 430.32(w)(1), except for those that meet the definition of a ''commercial and industrial power supply.'' 86 FR 60376, 60380. DOE noted that removing such references would not alter the scope or the applicability of appendix Z because the test procedure to test direct operation and indirect operation EPSs is the same for both types of EPSs, such that including these terms in the scope is unnecessary. *Id.*

In response to the November 2021 SNOPR, ITI and AHAM/CTA/OPEI/PMI/PTI stated they do not oppose removing the direct operation and indirect operation Class A EPSs references from appendix Z. (ITI, No. 22 at p. 1; AHAM/CTA/OPEI/PMI/PTI, No. 26 at p. 1) Similarly, NEEA/ASAP/NRDC also supported the removal of these references from appendix Z. (NEEA/ASAP/NRDC, No. 27 at pp. 1–2)

For the prior reasons discussed in section III.A.2 and in the November 2021 SNOPR, DOE is adopting its proposal to remove the current references to direct operation and indirect operation Class A EPSs within the ''Scope'' section of appendix Z.

3. Scope of Applicability for EPSs With Other Major Functions

As discussed in the November 2021 SNOPR, DOE understands there may be uncertainty as to the devices subject to the current test procedure. As noted in the November 2021 SNOPR, the test procedure applies to EPSs subject to the energy conservation standards at 10 CFR 430.32(w)(1). 86 FR 60376, 60380–60381. Devices are available on the market that are covered by the EPS definition but are not subject to the energy conservation standards and were not considered in the establishment of those standards (*e.g.,* a television that has a USB port that provides converted power). To provide further instruction regarding the scope of the test procedure, in addition to the proposed instruction regarding the disconnection of components and circuits unrelated to the EPS's functionality, the November 2021 SNOPR attempted to further clarify in the regulatory text which devices were to be excluded from the EPS test procedure. *Id.* at 86 FR 60381. Specifically, DOE proposed that devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product are not subject to the test procedure. *Id.* DOE intended for this proposed amendment to clarify that devices providing power conversion only as an auxiliary operation (*e.g.,* televisions, laptop computers, and home appliances with USB output ports) are not subject to the test procedure.

In response to the November 2021 SNOPR, ITI and AHAM/CTA/OPEI/PMI/PTI supported this proposal. (ITI, No. 22 at p. 2; AHAM/CTA/OPEI/PMI/PTI, No. 26 at p. 2) NEEA/ASAP/NRDC also supported excluding complex multifunction products that have a USB port (*e.g.,* televisions and desktop computers) from appendix Z but encouraged DOE to consider including simple multifunction EPSs, such as a motorized standing desk with USB ports, within its scope. (NEEA/ASAP/NRDC, No. 27 at p. 7)

[11] The December 2017 guidance states that a power supply that does not meet one or more of the eight criteria in the preceding paragraph may still fall outside of the definition of ''external power supply'' under EPCA. This guidance provides eight specific examples of circumstances where DOE will not consider a power supply to meet the definition of ''external power supply'' under EPCA. However, nothing in this guidance precludes a person from asserting that a specific power supply that does not meet one or more of these eight criteria nonetheless does not meet the definition of ''external power supply'' under EPCA.

The CA IOUs recommended that DOE remove its proposed exclusion of devices for which the primary load of the converted voltage is not delivered to a separate end-use product, asserting that the proposal would be challenging to apply and that its scope is exceptionally broad. Instead, the CA IOUs suggested that DOE exclude only USB-based products that have data transfer capabilities. The CA IOUs commented that, despite having data transfer capabilities, an exception may have to be made for a subset of power over ethernet products, stating that DOE already considers these products to be within the scope of EPS regulations. (CA IOUs, No. 25 at pp. 2–3) Furthermore, the CA IOUs suggested that DOE should evaluate the potential for regulating ''combination'' products with power conversion as a secondary function, citing possible energy savings that are technologically feasible and economically justified. *Id.*) The CA IOUs suggested four categories of such combination products and encouraged DOE to use these categories to explicitly include or exclude each type from scope. (*Id.* at pp. 3–4).

As noted in the November 2021 SNOPR, the test procedure applies to EPSs subject to the energy conservation standards at 10 CFR 430.32(w)(1). The products excluded under the proposal were not considered in the establishment of the energy conservation standards (*e.g.,* a television that has a USB port that also provides converted power). The supplemental proposal makes explicit that such products are not subject to the test procedure (and therefore not subject to the energy conservation standards). The lack of products in the Compliance Certification Database (''CCD'') for which the converted voltage within the device is not delivered to a separate end-use product indicates that the explicit exclusion is already understood by industry and, contrary to the assertions that the proposal is broad and would be difficult to apply, DOE expects the impact of this amendment to be minimal. For the reasons stated in the preceding discussion and the November 2021 SNOPR, DOE is adopting its proposal to exclude from the test procedure those power supplies for which the converted voltage within the device is not delivered to a separate end-use product.

Regarding the CA IOU's suggestion that DOE should exclude only USB-based products that have data transfer capabilities, DOE notes that the USB–PD specification, the primary purpose of which is to address devices that provide power to an external load, relies on digital communication (*i.e.,* data transfer capabilities) between the load and the power supply to determine the appropriate output voltage. Excluding products that have data transfer capabilities would exclude all USB–PD products from scope. Therefore, DOE is not excluding only USB-based products that have data transfer capabilities.

B. Industry Standards Incorporated by Reference

The test procedure for EPSs incorporates by reference the entire IEC 62301 Ed. 2.0 industry standard. However, only certain sections of the industry standard apply to the EPS test procedure. In the December 2019 NOPR, DOE proposed to add a new section — ''Incorporation by Reference''— in appendix Z to specify those sections of the industry standards that apply to the EPS test procedure. Further, DOE also proposed to identify this industry standard as ''IEC 62301–Z'' to indicate that the reference applies exclusively to appendix Z. 84 FR 67106, 67115. Additionally, in places where a reference to IEC 62301 Ed. 2.0 restates the requirement from that standard, DOE had proposed to remove those redundant references to the standard. DOE did not receive any comments regarding this proposal.

DOE notes that while the approach of using a special shorthand (IEC 62301–Z) was previously consistent with the nomenclature being used in other DOE test procedures that also incorporate by reference sections of IEC 62301 Ed. 2.0, DOE has since abandoned this approach in favor of simply referring to the standard as IEC 62301.

Consequently, DOE is adopting its proposal. This final rule establishes a section in appendix Z to index the provisions of IEC 62301 Ed. 2.0 applicable to the Federal test procedure. This final rule maintains the current approach of using the shorthand ''IEC 62301'' to refer to IEC 62301 Ed. 2.0.

C. EPS Configurations

1. Single-Voltage EPSs With Multiple-Output Busses

Stakeholders have raised questions regarding how to load an EPS that is able to convert to only one output voltage at a time and has multiple-output busses (*i.e.,* a single-voltage EPS with multiple-output busses). A single-voltage AC–DC EPS is designed to convert line voltage AC input into lower-voltage DC output and is able to convert to only one DC output voltage at a time. *See* appendix Z to subpart B of 10 CFR part 430. Thus, an EPS that can provide two or more DC outputs of the same voltage simultaneously or an EPS that can provide two or more different DC output voltages, but not simultaneously, would be considered a single-voltage EPS and be subject to the single-voltage EPS standards at 10 CFR 430.32(w). Accordingly, DOE stated in the December 2019 NOPR that a single-voltage EPS with multiple-output busses is a single-voltage EPS and must be tested according to section 3(a) of appendix Z with measurements taken as specified in section 4(a) of appendix Z. 84 FR 67106, 67113–67114. DOE previously explained during a November 21, 2014, public meeting to discuss the EPS test procedure (the ''November 2014 public meeting'') that these single-voltage EPSs are to be tested at the same loading conditions as conventional single-voltage EPSs, using multiple loads across the busses to draw the complete nameplate output current from the EPS itself. (Docket No. EERE–2014–BT–TP–0043, Public Meeting Transcript, No. 9, pp. 43–44) At the time of the November 2014 public meeting, single-voltage EPSs with multiple-output busses had limited availability in the marketplace, and therefore the more explicit direction discussed during the November 2014 public meeting was not included in the regulatory text.

Since the August 2015 Final Rule, single-voltage EPSs with multiple-output busses have become much more prevalent on the market, making it appropriate now to include more explicit directions for these EPSs. Therefore, DOE proposed in the December 2019 NOPR to specify that any EPS outputting the same voltage across multiple-output busses must be tested in a configuration such that all busses are simultaneously loaded to their maximum output at the 100% loading condition, utilizing the proportional allocation method [12] where necessary. 84 FR 67106, 67114. DOE stated that this additional detail in DOE's test procedure instructions is consistent with current industry practice. *Id.*

The CA IOUs supported this proposal and further recommended that DOE ensure that these directions accurately capture the maximum power, with all ports at the maximum output power achievable at the 100% loading condition, and derated according to the proportional allocation method when it

[12] For EPSs with multiple-output ports in which the sum of each port's nameplate output power exceeds the overall nameplate output power of the EPS, the proportional allocation method utilizes a derating factor to determine the current at each loading condition in order to ensure that the output power does not exceed the overall nameplate output power of the EPS during testing.

is not possible for an EPS to load each output bus to its maximum nameplate output power. (CA IOUs, No. 10 at p. 2)

DOE notes that the CA IOU's recommendation is adequately addressed by the proportional allocation method, which ensures that these EPSs are loaded to the maximum achievable output power, as specified on a unit's nameplate.

For the reasons previously described in this document and in the December 2019 NOPR, DOE adopts the amendments as proposed to specify in newly-added section 5(a)(1)(iv) of appendix Z that any EPS outputting the same voltage across multiple-output busses must be tested in a configuration such that all busses are simultaneously loaded to their maximum output at the 100% loading condition, utilizing the proportional allocation method where necessary.

2. Multiple-Voltage Adaptive EPSs

Following the August 2015 Final Rule, stakeholders inquired about how to test adaptive EPSs that operate as multiple-voltage EPSs. An adaptive EPS is an EPS that can alter its output voltage during active-mode based on an established digital communication protocol with the end-use application without any user-generated action. 10 CFR 430.2. A multiple-voltage EPS is an EPS that is designed to convert line voltage AC input into more than one simultaneous lower-voltage output. See appendix Z, section 2.k. An EPS with multiple-output busses for which one or more of the busses are adaptive is covered under the definitions of multiple-voltage EPS and adaptive EPS.

Currently, section 4(a)(i)(E) of appendix Z requires testing adaptive EPSs twice—once at the highest nameplate output voltage and once at the lowest nameplate output voltage. At each output voltage, adaptive EPSs are tested at the four loading conditions specified in Table 1 of appendix Z (100%, 75%, 50%, and 25%). Separately, section 4(b)(i)(B) of appendix Z requires testing multiple-voltage EPSs at four loading conditions (100%, 75%, 50%, and 25%) derated according to the proportional allocation method, with all busses loaded and tested simultaneously. Applying these two testing requirements, adaptive EPSs that operate as multiple-voltage EPSs must be tested once at the highest nameplate output voltage and once at the lowest nameplate output voltage, and for each test, all available busses must be loaded and derated according to the proportional allocation method. DOE also notes that such EPSs are subject to the multiple-voltage EPS standards.

DOE has also identified EPSs with multiple USB output ports at 5 volts and one or more adaptive outputs with a default voltage of 5 volts but whose output voltage varies according to the demand of the product connected to that port. Under the default operating condition, the EPS operates as a single-voltage EPS because it outputs only one voltage to all available ports. However, in a different operating condition, the adaptive output may provide a higher voltage while the other outputs remain at 5 volts. In this condition, the EPS operates as a multiple-voltage EPS because it is providing more than one output voltage simultaneously. For such a product, the definition of single-voltage EPS does not apply because the product is able to convert line voltage AC input into more than one simultaneous lower-voltage output, whereas a single-voltage EPS is able to convert to only one AC or DC output voltage at a time. *See* appendix Z, section 2. Instead, the definition of multiple-voltage EPS applies to such a product.

In the December 2019 NOPR, DOE proposed to add a new section 6(b) to appendix Z to explicitly address testing and certifying adaptive EPSs that operate as multiple-voltage EPSs. 84 FR 67106, 67111, 67114–67115. The proposed requirements for testing both single-voltage and multiple-voltage adaptive EPSs were similar to the requirements for testing all other single-voltage and multiple-voltage EPSs, including the incorporation of the alternate waiver test method that requires testing of USB–PD EPSs using 10 watts (W) at the 5 volt level, as discussed in section III.D in this document. DOE also proposed to amend the certification requirements for switch-selectable [13] and adaptive EPSs at 10 CFR 429.37(b)(2)(ii) and (b)(2)(iii) to clarify (by removing the term ''single-voltage'' from the section headings) that the requirements apply to both single-voltage as well as multiple-voltage switch-selectable and adaptive EPSs, respectively. *Id.* at 84 FR 67114.

As proposed in the December 2019 NOPR, an EPS that has both adaptive and non-adaptive output busses would be considered a multiple-voltage adaptive EPS and would be tested under the new section 6(b) of appendix Z. *Id.* at 84 FR 67114–67115. Both the adaptive and non-adaptive ports would be tested twice—first with the adaptive port at the highest nameplate output voltage and the non-adaptive ports at their fixed voltage, then again with the adaptive port at the lowest nameplate output voltage and the non-adaptive ports remaining at their fixed voltage. *Id.* As stated in the proposed appendix Z, at each of the two test voltages, the proportional allocation method would be used to derate the loading conditions where necessary. *Id.* at 84 FR 67128–67129.

The CA IOUs agreed with the proposed amendments for multiple-voltage adaptive EPSs and the alternate test procedure for multiple-voltage USB–PD EPSs included within the new section for multiple-voltage adaptive EPSs at section 6(b) of the new test procedure. (CA IOUs, No. 10 at p. 2)

For the reasons discussed in the prior paragraphs and in the December 2019 NOPR, DOE is adopting the changes related to multiple-voltage adaptive EPSs as proposed in the December 2019 NOPR, but notes that for multiple-voltage EPSs that also meet the definition of USB–PD, the alternate test method of testing at 10W at the 5 volt level is replaced with the updated alternate test method of testing at 2A at the lowest output voltage as proposed in the November 2021 SNOPR and discussed in section III.D of this document . However, DOE is not adopting the proposed amendments to the certification requirements. DOE may consider proposals to amend the certification requirements and reporting for EPS under a separate rulemaking regarding appliance and equipment certification.

3. EPSs With Other Major Functions

DOE has received questions about whether non-EPS-related functions are permitted to be disconnected during testing for products with USB ports. The existing test procedure at appendix Z specifies that EPSs must be tested in their final completed configuration. For example, the efficiency of a bare circuit board power supply (*i.e.,* a power supply without its housing or DC output cord) may not be used to characterize the efficiency of the final product. DOE recognizes that the requirement to test an EPS in its final completed configuration may result in measuring the energy use of more than just an EPS (the covered product) in cases where the EPS is a component of a product that serves one or more other major functions in addition to serving as an EPS.

Accordingly, in the December 2019 NOPR, DOE proposed to amend the test procedure to specify that components

[13] As defined in section 2 of appendix Z, a ''switch-selectable single voltage external power supply'' means a single-voltage AC–AC or AC–DC power supply that allows users to choose from more than one output voltage.

and circuits unrelated to the EPS functionality may be disconnected during testing as long as that disconnection does not impact the functionality of the EPS itself. 84 FR 67106, 67115. For example, as proposed, an EPS that also acts as a surge protector (*i.e.,* a power strip with surge protection and USB output ports) would be tested with the surge protector circuit disconnected if it is distinct from the USB circuit and does not impact the EPS's functionality (*i.e.,* the circuit from household AC input to the USB output). This proposed amendment would improve the accuracy of the EPS test procedure by allowing technicians to disconnect additional components and circuits unrelated to the EPS functionality that may affect the active mode efficiency or no-load performance of an EPS as tested according to the test procedure.

CTA, NEMA/ALA, and ITI supported amending the test procedure to allow the disconnection of non-EPS functions during testing. These stakeholders recommended that DOE include explicit directions for technicians on how to disconnect non-EPS functions. (CTA, No. 11 at pp. 2–3; NEMA/ALA, No. 12 at p. 6; ITI, No. 13 at p. 4) Specifically, CTA recommended that a ''hard,'' or physical, disconnection be acceptable regardless of whether the EPS has an external switch or other external mechanism to facilitate disconnection for the user. (CTA, No. 11 at pp. 2–3) NEMA/ALA stated that manufacturers should be allowed to modify EPSs by both bypassing and/or disconnecting circuits. (NEMA/ALA, No. 12 at p. 6) ITI suggested that DOE include language indicating that a disconnection may be performed externally via switch if present, or internally through a hardwire physical disconnection. (ITI, No. 13 at p. 4)

Conversely, the CA IOUs objected to disconnecting certain functions from an EPS. The CA IOUs asserted that the test procedure should capture the maximum potential power draw of an EPS and should thus require that EPSs be tested with all functions enabled. The CA IOUs also expressed concern with the introduction of possible loopholes as a result of language allowing for technicians to disconnect certain functions and urged DOE to carefully consider the amended language in order to minimize such loopholes. (CA IOUs, No. 10 at p. 3)

EPCA requires test procedures to be reasonably designed to produce test results which measure energy efficiency, energy use, or water use of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In the present case, DOE is amending the test procedure for EPSs. To the extent that a test procedure were to capture the energy use of a major function of a product other than that associated with an EPS, the resulting measured energy use would not be representative of the EPS, as that term is defined for the purpose of the energy conservation regulations. DOE notes that section 4(j) of the test procedure as amended in this final rule permits disconnection of a major function other than the EPS only if disconnecting such components does not affect the efficiency of the EPS and the ability of the product to convert household electric current into DC current or lower-voltage AC current.

DOE agrees that additional explicit instruction on how to disconnect other major functions would be helpful. To this end, DOE has added language in section 4(j) of appendix Z to clarify that other functions may be disconnected ''via a physical, or hardwire, disconnection or via a manual switch'' before testing; that the surge protection circuit may be ''physically'' disconnected during testing; and that a disconnection performed by a technician must be able to be replicated by a third-party test facility. These instructions will both assist the certification process as well as prevent inconsistent disconnections, thereby minimizing possible loopholes regarding the disconnection of components.

D. Adaptive EPSs

1. USB–PD EPSs

As discussed earlier in this document, DOE has issued test procedure waivers for several basic models of adaptive EPSs that meet the provisions of IEC 62680–1–2 (*i.e.,* USB–PD EPSs). (Case Nos. EPS–001 (Apple), EPS–002 (Microsoft), EPS–003 (Poin2 Labs), EPS–004 (Hefei Bitland), 2017–014 (Huawei), 2018–005 (Apple), and 2018–010 (Apple)).[14] The IEC 62680–1–2 specification contains the voltage, current, and digital communication requirements for the USB–PD system. Specifically, the USB–PD specification allows for the output voltage of a compatible EPS to adaptively change between 5 volts, 9 volts, 15 volts and 20 volts while allowing for currents up to 3 amps for the first three voltage levels and up to 5 amps at the 20-volt level upon request from a load using an established digital communication protocol. As a result, the USB–PD specification allows for seamless interoperability across multiple consumer products with different input voltage requirements such as a mobile phone, tablet, or laptop.

As described in the notice of decision and order granting waivers to Apple, Microsoft, Poin2, and Bitland, DOE determined that applying the DOE test procedure to USB–PD EPSs would yield results that would be unrepresentative of the active-mode efficiency of those products. 83 FR 11738, 11739. In granting the test procedure waivers, DOE concluded that, when using a USB–PD EPS to charge an end-use product at the lowest voltage level of 5 volts, the product would rarely draw more than 2 amps of current at 5 volts (*i.e.,* a power draw of more than 10W). *Id.* Nonetheless, for a USB–PD EPS with a nameplate output current of 3 amps, the DOE test procedure requires that the EPS's efficiency be measured at a current of 3 amps at the lowest voltage condition of 5 volts (*i.e.,* a power draw of 15W). As a result, the efficiency of such an EPS, when evaluated at that higher power draw (15W vs. 10W), would result in a measurement that is unrepresentative of the actual energy consumption characteristics of the USB–PD EPS being tested. *Id.*

USB–PD EPSs subject to the referenced waivers must be tested such that when testing at the lowest achievable output voltage (*i.e.,* 5 volts), the output current is 2 amps (corresponding to an output power of 10W) at the 100% loading condition. The 75%, 50%, and 25% loading conditions are scaled accordingly under this alternate procedure (*i.e.,* 1.5 amps, 1 amp, and 0.5 amps, respectively). When tested in this manner, the resulting power draws are 10W, 7.5W, 5W, and 2.5W—and stands in contrast to the test procedure at appendix Z, which requires power draws of 15W, 11.25W, 7.5W, and 3.75W at the 100%, 75%, 50%, and 25% loading conditions, respectively. *See id.* at 83 FR 11739–11740. As a result, DOE proposed to amend appendix Z to adopt the alternate test procedure established in the relevant test procedure waivers. 84 FR 67111–67113.

The CA IOUs supported the alternate test procedure for USB–PD EPSs, stating that previous manufacturer waivers and supporting field data validate the assertion that adaptive USB–PD products in the field would provide lower than their maximum rated current in low-voltage charging scenarios. (CA IOUs, No. 10 at p. 2) In addition, the CA IOUs suggested that the proposed 2-amp limit for USB–PD EPSs at the lowest nameplate output voltage be

[14] *See also* Case No. 2019–005. (Anker).

periodically revised to ensure that future generations of products with potentially different performance characteristics are also tested in a representative manner. (*Id.*)

For any waiver that DOE grants, it must also, as soon as practicable, amend its regulations to eliminate any need for the continuation of such waiver followed by the publication of a final rule. 10 CFR 430.27(l). Pursuant to DOE's test procedure waiver regulations and to improve the representativeness of the EPS test procedure, DOE is amending the EPS test procedure to adopt the alternate test procedure for USB–PD EPSs permitted in the previously granted test procedure waivers.

In response to the CA IOU's suggestion that DOE periodically revise the test procedure in response to changes in the products on the market, DOE notes that EPCA requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including EPSs, to determine whether amended test procedures would more accurately or fully comply with the requirements that the test procedures not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)). DOE will consider future generations of USB–PD EPSs on the market through ongoing evaluations of the test procedure consistent with these requirements.

2. Nameplate Output Power for Testing USB–PD EPSs

In conjunction with proposing to require testing of USB–PD EPSs at a maximum output current of 2 amps, corresponding to an output power of 10W at the 5-volt level, DOE also proposed in the December 2019 NOPR to amend the definition of nameplate output power in appendix Z to explicitly state that for USB–PD ports, the nameplate output power is 10W at the 5-volt level and as specified on the manufacturer's label or documentation at the highest voltage. 84 FR 67106, 67113. As proposed for all USB–PD EPSs, all of the required reported values would be provided, but with the loading conditions at the lowest operating voltage scaled such that the output current at the 100%, 75%, 50%, and 25% loading conditions would be set at 2 amps, 1.5 amps, 1 amp, and 0.5 amps, respectively. *Id.*

ITI expressed concern with what it characterized as DOE's approach to modifying the definition of nameplate output power in appendix Z, citing that the proposed amendment would introduce confusion and burden to manufacturers who are required to comply with other industry specifications for nameplate labels. (ITI, No. 13 at pp. 1–2) ITI asserted that the nameplate label for certain types of EPSs is strictly defined by the specification IEC 62368–1, ''Audio/video, information and communication technology equipment—Part 1: Safety requirements.'' This specification states that the measured input current or power at the rated voltage shall not exceed the rated current or power by more than 10%. ITI asserted that this requirement would cause USB–PD EPSs with a labeled output power of 10W (2 amps at 5 volts), but actually capable of outputting 15W (3 amps at 5 volts), to fail compliance testing for IEC 62368–1 because the tested current would exceed the nameplate value by more than 10%. Moreover, under IEC 62368–1, the available current must not exceed a maximum rated output of power delivery specification by more than 150% for ratings up to 2 amps after 5 seconds or 130% for ratings greater than 2 amps. Based on these provisions, ITI asserted that the proposed amendments related to an EPS's nameplate output power would conflict with requirements specified in IEC 62368–1. (*Id.* at p. 2)

DOE acknowledges that the definition of nameplate output power as proposed in the December 2019 NOPR may be understood to conflict with the relevant industry standard. The purpose of the proposed definition was to instruct manufacturers to test USB–PD EPSs using 10W at the 5-volt level regardless of what is represented on the nameplate or other manufacturer materials (*i.e.,* DOE did not intend for its proposal to require that manufacturers change the information provided on the nameplate). In this final rule, DOE amends the definition of nameplate output power as proposed in the November 2021 SNOPR to explicitly state that when testing an adaptive external power supply with USB–PD ports, in place of the nameplate output power at the lowest voltage, use an output power calculated as the product of its lowest nameplate output voltage and 2 amps for each USB–PD port and as specified on the manufacturer's label or documentation at the highest voltage. To prevent potential conflicts with other industry labeling requirements, DOE is also specifying that the definition only applies to DOE testing and certification requirements and is unrelated to the physical nameplate label or documentation of an EPS. With these adjustments to its proposed requirements, the amendment in this final rule to modify the definition of nameplate output power does not conflict with certification requirements of other industry standards, such as IEC 62368–1.

3. Supporting Definitions for USB–PD EPSs

In the December 2019 NOPR, DOE proposed to add definitions for USB–PD EPS and the physical USB Type-C connector that supports it in section 3 of appendix Z to reflect the voltage and current requirements specified in IEC 62680–1–2. 84 FR 67106, 67113. To define a USB–PD EPS, DOE presented two approaches and requested comment. *Id.*

The first approach proposed to define a USB–PD EPS as an adaptive EPS that utilizes a USB Type-C output port and uses a digital protocol to communicate between the EPS and the end-user product to automatically switch between an output voltage of 5 volts and one or more of the following voltages: 9 volts, 15 volts, or 20 volts. The USB–PD output bus must also be capable of delivering 3 amps at an output voltage of 5 volts, and the voltages and currents must not exceed any of the following values for the supported voltages: 3 amps at 9 volts; 3 amps at 15 volts; and 5 amps at 20 volts. Under this approach, DOE proposed also defining the term ''USB Type-C'' as ''the reversible 24-pin physical USB connector system that supports USB–PD and allows for the transmission of data and power between compatible USB products.'' *Id.*

The second approach considered referencing IEC 62680–1–2 in the USB–PD EPS and USB Type-C definitions. *Id.* With this approach, the definitions would reference either the entire industry standard or the individual pertinent sections.

In response to the December 2019 NOPR, the CA IOUs expressed concern with the proposed definitions for a USB–PD EPS and a USB Type-C Connector. Specifically, the CA IOUs stated that by specifying electrical and physical requirements in the definitions, future generations of USB–PD or similar devices would be excluded from the definition and thus the appropriate test procedure. (CA IOUs, No. 10 at p. 2) The CA IOUs recommended that DOE instead define a USB–PD EPS as an EPS that meets IEC 62680–1–2, or an equivalent specification. (*Id.*) The CA IOUs also recommended that DOE broaden the scope of the definition of a USB–PD EPS

in order to account for future generations of USB–PD EPSs. *Id.*

Also, in response to the December 2019 NOPR, ITI stated that the proposed definition of a USB–PD EPS does not take into account programmable power supplies (''PPSs''), which are defined in IEC 62680–1–2. (ITI, No. 13 at p. 3) According to ITI, PPSs are able to output a minimum voltage of 3.3 volts, in contrast to the minimum voltage of 5 volts as specified in the proposed definition of a USB–PD EPS. Additionally, ITI recommended that the proposed definition include USB–PD EPSs with different voltage and current requirements, including PPSs, than those voltages and currents specified in the proposed definition of a USB–PD EPS in the December 2019 NOPR. (*Id.*) ITI claimed that equating the requirement of testing at 2A to a power output at 10W does not apply to PPSs, which are capable of outputting 3.3V. (*Id.*)

In response to these comments, DOE updated its proposed definition of USB–PD EPS in the November 2021 SNOPR to refer to an adaptive EPS that utilizes a USB Type-C output port and uses a digital protocol to communicate between the EPS and the end-user product to automatically switch between any output voltage within the range of 3.3 volts to 20 volts. 86 FR 60376, 60384. The USB–PD output bus must be capable of delivering 3 amps at the lowest output voltage, and the currents must not exceed any of the following values for the supported voltages: 3 amps at 9 volts; 3 amps at 15 volts; and 5 amps at 20 volts. *Id.* DOE also proposed to revise the definition of nameplate output power, as discussed in section III.D.2 of this document. *Id.*

In response to these updated proposals, the CA IOUs again recommended that DOE adopt a definition of USB–PD that does not specify a maximum of 20V and 5A, asserting that this definition may soon be out of date, and suggested aligning the USB–PD standards with announcements from the USB Implementers Forum (''USB–IF''). (CA IOUs, No. 25 at pp. 5–6) The CA IOUs commented that the USB–IF has announced that USB–PD Specification Revision 3.1 would enable delivery of up to 240 Watts of power over Type-C (specifically, 48V at 20A). (*Id.* at p. 5)

DOE notes in response to the CA IOUs that in incorporating the waiver instructions to allow USB–PD adaptive power supplies to be tested at 2A for the 100% loading condition at the lowest voltage as described in section III.D.1, DOE first needed to define USB–PD to align with the products for which the waivers were initially granted. In doing so, DOE had carefully evaluated the definition published by USB–IF at the time to determine whether it was appropriate for use in describing the type of adaptive EPSs for which the alternate instructions would capture its energy performance more representatively. If DOE instead defined USB–PD to align with any forthcoming specification from USB–IF, it would not be able to ensure that the alternate instructions would continue to be representative. As such, in this final rule, DOE will adopt the definition of USB–PD as defined in the November 2021 SNOPR. DOE also notes that EPCA requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including EPSs, to determine whether amended test procedures would more accurately or fully comply with the requirements that the test procedures not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)). DOE will therefore consider future generations of USB–PD EPSs through on-going evaluations to ensure the alternate instructions continue to be appropriate.

In this final rule, DOE is amending its test procedure to establish definitions for USB–PD EPS and USB Type-C as proposed in the November 2021 SNOPR. DOE is also establishing the alternate test procedure for USB–PD EPSs to account for lower voltages that the latest specification of USB–PD can support. DOE will consider future generations of USB–PD EPSs through on-going evaluations of the market and its EPS test procedure.

4. Certification Requirements for Adaptive EPSs

In the December 2019 NOPR, DOE proposed to amend the certification requirements for USB–PD EPSs. 84 67106, 67113. The current certification requirements for adaptive EPSs require reporting the nameplate output power in W at the highest and lowest nameplate output voltages, among other reported values. 10 CFR 429.37(b)(2)(iii). Section 2 of appendix Z defines nameplate output power as the power output as specified on the manufacturer's label on the power supply housing or, if absent from the housing, as specified in documentation provided by the manufacturer. Under the current test procedure, for a USB–PD EPS, the nameplate output power at the lowest nameplate voltage of 5 volts would be 15W.

DOE is not adopting the proposed amendments to the certification requirements in this final rule. DOE may consider proposals to amend the certification requirements and reporting for EPS under a separate rulemaking regarding appliance and equipment certification.

DOE has also received general inquiries about the certification requirements related to adaptive EPSs that meet the definition of a low-voltage EPS [15] at one output voltage and the definition of a basic-voltage EPS [16] at another. In response to these inquiries, DOE clarifies that the certification templates [17] for EPSs require specifying—for each tested voltage—the applicable product group code, which includes an indication of whether the tested voltage meets the definition of low-voltage EPS or basic-voltage EPS.

For example, consider a direct-operation adaptive AC–DC EPS that can output 5W (5 volts, 1 amp) at its lowest nameplate output voltage, and 18W (9 volts, 2 amps) at its highest nameplate output voltage. This EPS is a low-voltage EPS at its lowest nameplate output voltage of 5 volts and a basic-voltage EPS at its highest nameplate output voltage of 9 volts. Accordingly, when certifying this EPS, the manufacturer would indicate in the certification template that the lowest nameplate output voltage corresponds to the product group code identified as ''Direct Operation, Adaptive, AC–DC, nameplate output voltage < 6 volts and nameplate output current >= 550 milliamps, 1 watt < nameplate output power <= 49 watts''; and that the highest nameplate output voltage corresponds to the product group code identified as ''Direct Operation, Adaptive, AC–DC, nameplate output voltage >= 6 volts or nameplate output current < 550 milliamps, 1 watt < nameplate output power < = 49 watts''.

E. Output Cords

The current EPS test procedure requires EPSs to be tested with the DC output cord supplied by the manufacturer. *See* appendix Z, section 4(a)(i)(A). DOE has stated that allowing an EPS to be tested without the power cord would ignore the losses associated

[15] DOE defines ''low-voltage EPS'' as an EPS with a nameplate output voltage less than 6 volts and nameplate output current greater than or equal to 550 milliamps. 10 CFR 430.2.

[16] DOE defines ''basic-voltage EPS'' as an EPS that is not a low-voltage external power supply. 10 CFR 430.2.

[17] DOE's certification templates are provided at *www.regulations.doe.gov/ccms/templates.*

with the cord and allow for an EPS that is less efficient than the efficiency standards intended. *See* 80 FR 51424, 51429 (August 25, 2015). Accordingly, DOE specified that EPSs must be tested with the output cord supplied by the manufacturer. *Id.* Appendix Z does not provide specific instructions for testing EPSs that are not supplied with output cords. In response to inquiries regarding how to test EPSs that are not shipped with a DC output cord, DOE proposed to amend the test procedure to explicitly state that if a wire or cord is not supplied by the manufacturer, then the EPS shall be tested at the output electrical contact that can be connected to a physical wire in the December 2019 NOPR. 84 FR 67106, 67124–67125. DOE did not receive any comments on this proposed amendment.

Since the analysis conducted in support of the December 2019 NOPR, DOE has observed an increasing number of EPSs that are not packaged or supplied with an accompanying DC output cord.[18] In the November 2021 SNOPR, DOE proposed that if an EPS is not supplied with an output cord, then the EPS must be tested with an output cord that is recommended for use by the manufacturer. In addition, DOE sought comments on whether the test procedure should specify testing with a DC output cord recommended for use by manufacturers, or whether DOE should specify electrical specifications for the type of cord. 86 FR 60376, 60382–60383. The illustrative example of output cord electrical specifications from the November 2021 SNOPR are presented in Table III.1.

TABLE III.1—ILLUSTRATIVE EXAMPLE OUTPUT CORD ELECTRICAL SPECIFICATIONS FROM NOVEMBER 2021 SNOPR

DC output current at 100% loading condition (amps)	Cord length (feet)	Conductor	American wire gauge
$0 < I \leq 1$	3	Copper	26
$1 < I \leq 2$	3	Copper	24
$2 < I \leq 3$	3	Copper	22
$3 < I \leq 4$	3	Copper	20
$4 < I \leq 5$	3	Copper	18
$I > 5$	3	Copper	16

DOE received multiple comments from stakeholders on this proposal in the November 2021 SNOPR. Aohai recommended testing with output cords based on their cable resistance rather than American wire gauge (''AWG''), stating that resistance is the key factor for efficiency rather than AWG size. (Aohai, No. 18 at p. 1) DOE acknowledges that resistance is a significant factor in determining the efficiency of output cords. Resistance of a cord is largely determined by three factors: cross-sectional area, material resistivity, and cable length. Table III.1 specifies the cross-sectional area with AWG, material resistivity with the use of copper, and cord length with an explicit value. DOE believes that specifying these three parameters would sufficiently define the resistance of the testing cable without requiring extra measurements or calculations during the testing procedure.

The CA IOUs stated that there are USB–PD devices with output power levels that are unable to be met with certain cords. Therefore, to ensure repeatable and accurate test results, the CA IOUs proposed that DOE provide specific output cable characteristics for testing USB–PD products rather than the manufacturer-recommended cable. (CA IOUs, No. 25 at p. 5) DOE acknowledges the existence of USB–PD products that require specific output cord requirements. DOE notes that by specifying testing with an output cord as recommended by the EPS manufacturer, the test procedure would measure the energy efficiency of an EPS in a manner representative of how they are used in everyday applications. If practical capabilities of a device are bound by the choice of output cord, a manufacturer would be able to account for this in its output cord recommendation.

AHAM/CTA/OPEI/PMI/PTI and NEEA/ASAP/NRDC supported DOE's proposal to test EPSs with the manufacturer-recommended cord in situations in which no output cord is supplied with the EPS. (NEEA/ASAP/NRDC, No. 27 at p. 4; AHAM/CTA/OPEI/PMI/PTI, No. 26 at p. 2) For instances in which no output cord is supplied or recommended, NEEA/ASAP/NRDC encouraged DOE to specify an output cord for testing, similar to Table III–I in the SNOPR. (NEEA/ASAP/NRDC, No. 27 at p. 4) AHAM/CTA/OPEI/PMI/PTI stated that they are evaluating the proposal for recommending electrical specifications and may provide further comment at a later date. (AHAM/CTA/OPEI/PMI/PTI, No. 26 at p. 2)

ITI supported testing with a DC output cord recommended for use by manufacturers during both the certification process and for assessment testing. ITI suggested that when a manufacturer is unable to specify a DC output cord, DOE should specify electrical specifications for the type of cord to be used for testing. ITI requested that DOE share the data used to make Table III–I in the November 2021 SNOPR. (ITI, No. 22 at pp. 2–3)

The values provided in Table III–I of the November 2021 SNOPR were illustrative examples of potential output cord characteristics based on DOE's observations of the EPS market. DOE sought input from industry on the electrical specifications, and/or whether there exists an industry standard that contains specifications for electrical cables, which DOE could incorporate by reference. 86 FR 60376, 60383. In response to its request, DOE did not receive any data or additional information.

In this final rule, DOE is finalizing its proposal to require that EPSs be tested with the output cord they are shipped with. For EPSs not shipped with an output cord, the EPS must be tested with a manufacturer's recommended output cord. For EPSs not shipped with an output cord and for which the manufacturer does not recommend an output cord, the amendments specify that the EPS must be tested with a 3-foot-long output cord with a conductor thickness that is minimally sufficient to carry the maximum required current.

[18] *See e.g.,* LENCENT USB Wall Charger Plug, 2Pack 17W 3-Port USB Plug Cube Portable Charger sold on *newegg.com, www.regulations.gov/document/EERE2019-BT-TP-0012-0015;* ORICO DCAP–5U 5-Port USB Wall Charger adapter sold on *newegg.com, www.regulations.gov/document/EERE-2019-BT-TP-0012-0014;* Sony Camera Charger UB10 USB to AC Power Adapter sold on *newegg.com, www.regulations.gov/document/EERE-2019-BT-TP-0012-0016.*

F. Other Proposed Amendments

DOE is adopting additional amendments to improve the overall readability and structure of the test procedure. Throughout appendix Z, DOE is removing definitions that are no longer relevant, centralizing the remaining definitions, consolidating generally applicable requirements, and harmonizing the instructions for single-voltage, multiple-voltage, and adaptive EPSs. These revisions improve the readability of the test procedure without resulting in substantive changes.

1. Organization of EPS Definitions

In the December 2019 NOPR, DOE proposed various amendments related to the EPS-related definitions located at 10 CFR 430.2 and appendix Z. 84 FR 67106, 67115. Stakeholders generally did not raise any concerns related to these proposed amendments but suggested further edits to certain definitions, as described in the following sections.

a. Removing Redundant EPS Definitions

In the December 2019 NOPR, DOE proposed to remove certain definitions that had been carried over from previous revisions of appendix Z but are no longer referenced in either the current or the proposed test procedure. *Id.* at 84 FR 67115. Specifically, DOE proposed to remove the definitions of ''apparent power,'' ''instantaneous power,'' ''nameplate input frequency,'' ''nameplate input voltage,'' and ''true power factor.''

DOE did not receive any comments regarding the removal of these redundant definitions and is amending its regulations consistent with the December 2019 NOPR.

Separately, CSA noted that DOE's proposal did not include a definition for ''single-voltage external power supply.'' (CSA, No. 9 at p. 1) DOE interprets this comment as referring to the definition for ''single-voltage external AC–DC power supply.'' DOE did not intend to remove this definition as part of the amendments presented in the December 2019 NOPR and the final rule continues to maintain that definition.

b. Location of EPS Definitions

In the December 2019 NOPR, DOE proposed moving all EPS-related definitions that are currently defined in 10 CFR 430.2 to the EPS test procedure at appendix Z. 84 FR 67106, 67115. Specifically, DOE proposed to move the definitions of ''adaptive external power supply,'' ''basic-voltage external power supply,'' ''direct operation external power supply,'' ''indirect operation external power supply,'' and ''low-voltage external power supply'' from 10 CFR 430.2 to appendix Z. In the December 2019 NOPR, DOE also proposed to include the definition of ''Class A external power supply'' in appendix Z while also retaining it at 10 CFR 430.2. *Id.* at 84 FR 67116. Furthermore, DOE proposed to add a sentence to the definition of an external power supply at 10 CFR 430.2, directing the reader to appendix Z for other EPS-related definitions to ensure that even though the EPS-related definitions were being moved to the test procedure, they would apply throughout 10 CFR part 430, including 10 CFR 430.32. *Id.* at 84 FR 67115. However, in the November 2021 SNOPR, DOE proposed to retain all but the definition of ''adaptive external power supply'' in their current location in 10 CFR 430.2 because these terms are not used elsewhere in the test procedure, superseding what was proposed in the December 2019 NOPR. 86 FR 60376, 60382. DOE noted that as these definitions were largely remaining in 10 CFR 430.2, the proposal to add a sentence to the definition of an external power supply would also no longer be required. *Id.*

DOE did not receive any comment on the proposals made in the November 2021 SNOPR. In this final rule, DOE is amending the test procedure to include the definition of ''adaptive external power supply'' as established in 10 CFR 430.2 in appendix Z as well to allow users of the test procedure to review the definition at once without having to navigate between multiple areas of the CFR. DOE is also finalizing its November 2021 SNOPR proposals to keep the definitions for ''basic-voltage external power supply,'' ''direct operation external power supply,'' ''indirect operation external power supply,'' ''low-voltage external power supply,'' and ''Class A external power supply'' in 10 CFR 430.2.

c. Revising Definition of Active Mode Efficiency

In the December 2019 NOPR, DOE proposed to modify the definition of ''average active-mode efficiency'' in appendix Z to explicitly state that the average active-mode efficiency is the average of the active mode efficiencies at the loading conditions for which an EPS can sustain the output current, rather than the average of the loading conditions. 84 FR 67106, 67115–67116. Under the proposal, this term would be defined as ''the average of the active mode efficiencies at the loading conditions (100%, 75%, 50%, and 25% of the unit under test's nameplate output current) for which that unit can sustain the output current.'' *Id.* As explained in the December 2019 NOPR, this proposal would not change the meaning of the definition; rather it would improve the readability of the test procedure. *Id.*

DOE did not receive any comments on this proposal and is adopting it in this final rule.

2. Consolidating Duplicative Test Requirements

Section 3 of appendix Z currently includes two subsections that specify the test apparatus and general instructions—section 3(a) specifies the requirements for single-voltage EPSs, and section 3(b) specifies the requirements for multiple-voltage EPSs. The requirements in these two subsections are largely the same. In the December 2019 NOPR, DOE proposed to combine these requirements and remove the separate subsections for single-voltage and multiple-voltage EPSs in order to provide a single, unified section for the test apparatus provisions and general instructions. 84 FR 67106, 67116.

DOE also proposed to consolidate the requirements regarding the required test load from sections 4(a)(i)(F) and 4(b)(i)(D) into a new section 4(f) of appendix Z, because this requirement would remain the same across all EPSs. *Id.* Similarly, DOE proposed to consolidate the requirements regarding how to attach power metering equipment from sections 4(a)(i)(A) and 4(b) into new sections 4(g) of appendix Z. *Id.*

The CA IOUs expressed their support for consolidating duplicative test requirements. (CA IOUs, No. 10 at p. 3)

For the reasons discussed in the December 2019 NOPR and in the preceding discussion, DOE adopts these amendments in this final rule. To improve readability of the test procedure, DOE however notes that this final rule further splits the consolidated requirements regarding how to attach power metering equipment into two sections 4(g) and 4(h) and, as a result, also renumbers all subsequent subsection in section 4.

3. Harmonizing Instructions for Single-Voltage and Multiple-Voltage EPSs

In the December 2019 NOPR, DOE proposed to amend sections 4(a) and 4(b) of appendix Z. 84 FR 67106, 67116. These sections provide testing requirements for single-voltage and multiple-voltage EPSs, respectively, and DOE proposed to harmonize these requirements. Applying both a similar structure and common set of instructions to these sections would improve the procedure's readability and

reduce the likelihood of procedural errors during testing. These proposed updates would retain the current testing requirements.

The CA IOUs agreed with DOE's amendments related to the harmonization of instructions for single-voltage and multiple-voltage EPSs (CA IOUs, No. 10 at p. 3)

For the reasons discussed in the December 2019 NOPR and the preceding discussion, DOE adopts these amendments in this final rule.

4. Unsustainable Loading Provisions

Section 4(a)(i)(C)2 of appendix Z specifies for single-voltage EPSs that if the EPS cannot sustain output at one or more of the loading conditions prescribed by the procedure (*i.e.,* 25%, 50%, 75%, and 100%), then it must be tested only at the loading conditions for which it can sustain output, and the average active-mode efficiency is calculated as the average of the loading conditions for which it can sustain the output. In the December 2019 NOPR, DOE proposed to clarify this existing requirement to state that of the outputs that are sustainable, the EPS must be tested at the loading conditions that allow for the maximum output power on that bus (*i.e.,* the highest output current possible at the highest output voltage). 84 FR 67106, 67116.

Further, DOE proposed to reorganize this provision of the test procedure pertaining to unsustainable loading conditions by moving the part of this instruction related to the efficiency calculation to a newly designated section 5(a)(1)(vi), which would specify the requirements for calculating the tested EPS's efficiency. *Id.* DOE also proposed to replicate the same requirements in the newly designated sections 5(b)(1)(vi), 6(a)(1)(vi), and 6(b)(1)(vi) for multiple-voltage, single-voltage adaptive, and multiple-voltage adaptive EPSs, respectively. *Id.*

In response to the December 2019 NOPR, CSA commented that DOE's proposed amendment related to unsustainable loading conditions in sections 5(a)(1)(vi)(C) and 5(b)(1)(vi)(C) is unclear and confusing. CSA asserted that these testing requirements should be applicable only to EPSs that are able to output an additional, higher, nameplate output voltage (*i.e.,* adaptive EPSs). CSA suggested that DOE include an example of an application where an EPS cannot sustain output at one or more of the loading conditions in order to provide additional clarity to the proposed testing requirements. (CSA, No. 8 at p. 1)

To provide additional direction, DOE is revising sections 5(a)(1)(vi)(C) and 5(b)(1)(vi)(C) to state that testing be performed at the loading condition that allows for the maximum output power on that bus *that can be sustained for the duration of the test* (*i.e.,* the highest *sustainable* output current possible at the highest output voltage on that bus). (Additional language from the proposed language shown in italics). While not referenced in the comment from CSA, sections 6(a)(1)(vi)(C) and 6(b)(1)(vi)(C) of appendix Z gave similar instructions for unsustainable loading conditions for adaptive EPSs. To be consistent, DOE is revising these sections to include the additional direction as well. Because this amendment will apply to all types of EPSs, DOE is also including it in the test procedure sections for non-adaptive EPSs as well as adaptive EPSs (sections 5(a)(1)(vi)(C), 5(b)(1)(vi)(C), 6(a)(1)(vi)(C), 6(b)(1)(vi)(C)).

5. Correcting Table References

In the December 2019 NOPR, DOE proposed to revise the current version of section 4(b)(i) of appendix Z to correct a reference error to refer to ''Table 2'' rather than ''Table 1,'' as currently referenced. 84 FR 67106, 67116.

DOE received no comments on this proposal and is adopting this amendment in this final rule.

6. Error in Proposed Regulatory Text

The proposed regulatory text included in the December 2019 NOPR contained an inadvertent error related to the proposed amendments for EPSs with other major functions. Specifically, in the December 2019 NOPR regulatory text, section 4(h) stated:

''(h) While external power supplies must be tested in their final, completed configuration in order to represent their measured efficiency on product labels or specification sheets, any functionality that is unrelated to the external power supply circuit may be disconnected during testing as long as the disconnection does not impact the functionality of the external power supply itself. Test the external power supply in its final configuration to the extent possible (within its enclosure and with all output cords that are shipped with it).'' *Id.* at 84 FR 67125.

However, DOE intended to keep the language of section 4(a)(i)(B) of the current DOE test procedure in the newly designated section 4(i) of the revised test procedure. Section 4(i) is intended to read as follows:

(i) External power supplies must be tested in their final, completed configuration in order to represent their measured efficiency on product labels or specification sheets. Although the same procedure may be used to test the efficiency of a bare circuit board power supply prior to its incorporation into a finished housing and the attachment of its DC output cord, the efficiency of the bare circuit board power supply may not be used to characterize the efficiency of the final product (once enclosed in a case and fitted with a DC). For example, a power supply manufacturer or component manufacturer may wish to assess the efficiency of a design that it intends to provide to an OEM for incorporation into a finished external power supply, but these results may not be used to represent the efficiency of the finished external power supply.

This final rule contains the correct language in new sections 4(i) and 4(j) as described. DOE has also added the phrase ''Except as provided in section 4(j)'' to the beginning of section 4(i) to account for the amendments made regarding the disconnection of certain components of EPSs. This correction does not change the testing requirements for manufacturers, as the requirements for allowing manufacturers to disconnect certain functions unrelated to the power conversion of an EPS is presented in section 4(j) as adopted in this final rule.

G. Measurement and Reporting

Additionally, commenters provided recommendations as to measurement and reporting of power factor for EPSs. The CA IOUs encouraged DOE to consider past and recent comments in support of the measurement and reporting of power factor, and the alignment of load points with the European Union Code of Conduct on External Power Supplies. (CA IOUs, No. 25 at p. 6) NEEA/ASAP/NRDC recommended that DOE measure and report power factor at all active loading conditions. NEEA/ASAP/NRDC asserted that measuring power factor would add little to no incremental test burden and that consideration of power factor has the potential for significant cost-effective energy savings using readily available technologies. (NEEA/ASAP/NRDC, No. 27 at pp. 5–6)

In an AC power system, power factor is defined as the ratio of the real power to the apparent power delivered to a load.[19] An EPS that results in a low power factor represents a load that draws more current than a load with a high-power factor for the same amount of useful work performed, with the higher currents resulting in increased losses in the distribution system. DOE

[19] IEC 62301 defines ''power factor'' as the ratio of the measured real power to the measured apparent power.

notes that it did not propose to include provisions for the measurement of power factor in the December 2019 NOPR or the November 2021 SNOPR and is therefore unable to adopt such a measurement in this final rule.

NEEA/ASAP/NRDC recommended that DOE require measurement and reporting of a 10% loading point separately from the active power measurement due to its frequent use in applications, current standards in Europe, and to provide an avenue for improved efficiency options. (NEEA/ASAP/NRDC, No. 27 at pp. 3–4)

EPCA requires DOE to amend its test procedures for all covered products to include standby mode and off mode energy consumption, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that (i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or (ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) A 10% loading condition would not be a standby mode or off mode condition and, therefore, if adopted, it would need to be integrated into the current average active mode efficiency calculation, which currently averages the 25%, 50%, 75%, and 100% loading conditions. DOE currently does not have robust data demonstrating how an additional measurement at a 10% loading condition would improve the representativeness of an EPS during an average use cycle. Consequently, DOE is declining to amend its specified loading conditions to include a measurement at 10% load in this final rule at this time.

H. Effective and Compliance Dates

The effective date for the adopted test procedure amendment will be 30 days after publication of this final rule in the **Federal Register**. EPCA prescribes that all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with an amended test procedure, beginning 180 days after publication of the final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2))

The 180-day mandate applies to all test procedure changes in this final rule with the exception of amendments related to testing EPSs that are not supplied with an output cord. Those requirements will not be required until such time as DOE were to amend the energy conservation standards for EPSs. As discussed previously in this document, appendix Z did not explicitly provide instructions for testing EPSs that are supplied without an output cord. Under the amended test procedure, a manufacturer will be required to test with a recommended output cord only at such time as compliance is required with amended energy conservation standards, should such standards be amended.

EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day period if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6293(c)(3)) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*)

Upon the compliance date of test procedure provisions in this final rule, any waivers that had been previously issued and are in effect that pertain to issues addressed by such provisions are terminated. 10 CFR 430.27(h)(3). Recipients of any such waivers are required to test the products subject to the waiver according to the amended test procedure as of the compliance date of the amended test procedure. The amendments adopted in this document pertain to issues addressed by waivers granted to Apple, Microsoft, Poin2, Bitland, Huawei, and Anker for testing USB–PD EPSs (Case Nos. EPS–001, EPS–002, EPS–003, EPS–004, 2017–014, 2018–005, 2018–010, 2019–005). The waivers issued to Apple, Microsoft, Poin2, Bitland, and Huawei will expire on the date on which testing is required using the amended test procedure. At such time Apple, Microsoft, Poin2, Bitland, and Huawei will be required to test the EPSs subject to the waivers according to the amended Federal test procedure.

I. Test Procedure Costs

In this final rule, DOE amends the existing test procedure for EPSs by (1) clarifying the scope of the EPS test procedure at appendix Z by removing references to direct operation and indirect operation Class A EPSs and providing additional detail regarding the coverage of the test procedure; (2) providing supplemental detail for testing certain EPS configurations, including EPSs with multiple ports and EPS that include additional major functions; (3) addressing adaptive EPSs to reflect current industry testing standards and provide more representative results; (4) providing additional specification for the testing of EPSs that do not ship with an output cord; and (5) consolidating duplicative testing requirements, harmonizing testing requirements for single-voltage and multiple-voltage EPSs, and improving organization of the test provisions regarding unsustainable loading conditions. DOE has determined that these amendments will not be unduly burdensome for manufacturers to conduct.

DOE has determined that the test procedure, as amended by this final rule, would not impact testing costs. A further discussion of the cost impacts of the test procedure amendments are presented in the following paragraphs.

1. Scope of Applicability

DOE is codifying published guidance to more explicitly exclude from coverage of the test procedure power supplies that are used to operate non-consumer products. As DOE is codifying existing guidance, this amendment will not impact the scope of the test procedure. DOE is also removing references to direct operations EPS and indirect operation Class A EPSs from appendix Z. Removal of these references will not change the existing scope of the test procedure, and this amendment simply reflects that the test procedure requires both types of EPSs to be tested in the same way.

Additionally, DOE is clarifying that devices for which the primary load of the converted voltage within the device is not delivered to a separate end-use product are not subject to the EPS test procedure. As discussed in the prior sections of this document, the additional direction regarding the exclusion of EPSs for which the primary load of the converted voltage within the device is not delivered to a separate end-use product reflects the current application of the test procedure.

For the reasons discussed, DOE has determined that the amendments related to the scope of the test procedure will outline more precisely the existing scope of the test procedure but will not change its scope, and therefore will not increase testing costs.

2. EPS Configurations

DOE is providing more explicit instructions for testing single-voltage EPSs that have multiple-output busses. For these EPSs, the amendment will not change the existing testing requirements but will improve the readability of the existing requirements. This amendment

provides supplemental detail but does not require manufacturers to test EPSs any differently and will not result in any changes in the associated testing cost compared to the current test procedure. Further, DOE is clarifying the testing requirements for adaptive EPSs that also operate as multiple-voltage EPSs. These amendments will not change the existing testing requirements for these types of EPSs, but rather provide additional detail and more specific instructions for these types of EPSs, consistent with how such EPSs are currently tested and rated. Consequently, these amendments will not require re-testing or re-rating of any existing EPSs with both adaptive and non-adaptive ports. Accordingly, these amendments will not result in any additional costs compared to the current test procedure.

DOE is also providing further instructions on how to test EPSs that have other major functions. As proposed in the December 2019 NOPR and amended in this final rule, an EPS that has components and circuits unrelated to the EPS functionality may be disconnected during testing as long as that disconnection does not impact the functionality of the EPS itself. These amendments will provide supplemental detail but not require manufacturers to test EPSs any differently. DOE anticipates no change in the associated testing cost to result from this change compared to the current test procedure.

3. Adaptive EPSs

With respect to USB–PD EPSs, DOE is adopting amendments based on the previously described petitions for waiver that were granted for these products. In conjunction with these amendments, because EPSs are required to be tested at their nameplate output power, DOE is amending the definition of ''nameplate output power'' to provide an exception for USB–PD EPSs, which would be defined as the product of 2 amps and the lowest operating voltage. The final rule changes the operating point at which testing is performed but does not require any additional tests beyond those already required under the current test procedure. Hence, manufacturers would not incur any additional costs compared to the existing test procedure.

Manufacturers will be able to continue to rely on data generated under the test procedure, including any alternate test procedure permitted by DOE under a manufacturer-specific decision and order, using the amendments finalized in this final rule.

DOE also notes that manufacturers were required to submit waiver petitions for USB–PD EPS basic models that required testing under the alternate test procedure outlined in section III.D.1 of this section. Thus, the adopted amendments related to USB–PD EPSs do not increase test burden but instead codify the existing test procedure requirements for USB–PD EPSs as specified in the waiver decisions and orders already granted to Apple, Microsoft, Poin2, Bitland, Huawei, and Anker.

4. Output Cords

DOE is providing instructions for EPSs that are not shipped with an output cord, stating that the EPS must be tested with a manufacturer-recommended output cord. If a cord is not recommended, then the EPS will be tested with a 3-foot-long output cord with a conductor thickness that is minimally sufficient to carry the required maximum current. The extent to which this amendment would impact the measured energy use of EPSs that are currently certified is uncertain. As established in this final rule, testing to this provision will not be required until such time as compliance is required with amended energy conservation standards, should such standards be adopted. However, DOE does not expect the cost of testing an EPS with an output cord to be different than testing one without an output cord. DOE also does not expect manufacturers to incur costs associated with obtaining output cords as it is reasonable to assume manufacturers will already have cords used to develop their EPS designs. Hence, manufacturers would not incur any additional costs as a result of this amendment.

5. Additional Amendments

In addition to the amendments described, DOE is also revising the test procedure to improve its readability. These changes include, but are not limited to, centralizing definitions, correcting references, and adding additional text to clarify certain instructions. As these changes are meant to support the current test procedure and improve its implementation, DOE does not expect manufacturers to incur any additional burden or costs relative to the current test procedure.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' as supplemented and reaffirmed by E.O. 13563, ''Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this final regulatory action does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a final regulatory flexibility analysis (''FRFA'') 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.

As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 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: *www.energy.gov/gc/office-general-counsel.*

DOE reviewed this test procedure final rule pursuant to the Regulatory Flexibility Act and the procedures and policies previously discussed. DOE has concluded that this rule will not have a significant impact on a substantial number of small entities. The factual basis for this certification is set forth below. DOE did not receive any comments regarding the certification.

For manufacturers of EPSs, the Small Business Administration (''SBA'') has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 13 CFR part 121. The size standards are listed by North American Industry Classification System (''NAICS'') code and industry description and are available at *www.sba.gov/document/support-tablesize-standards.* EPS manufacturing is classified under NAICS 335999, ''all other miscellaneous electrical equipment and component manufacturing.'' The SBA sets a threshold of 500 employees or less for an entity to be considered as a small business in this category. This employment figure is enterprise-wide, encompassing employees at all parent, subsidiary, and sister corporations. DOE consulted the CCD (*i.e.,* DOE's Compliance Certification Database) to determine the total number of manufacturers that meet the SBA's definition of a ''small business.'' Due to the wide variety of applications that use EPSs, there were numerous EPS manufacturers listed in the CCD. DOE screened out companies that do not meet the SBA definition of a small business and also those that are entirely or largely foreign-owned and operated. DOE identified as many as 164 potential domestic small businesses manufacturing or otherwise selling EPSs. However, as previously stated, DOE does not expect that the amended test procedure will result in manufacturers incurring additional testing costs—accordingly, DOE does not expect increased costs for small businesses as a result of the amendments to the test procedure.

Therefore, DOE concludes that the cost effects accruing from the final rule would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of a FRFA is not warranted. DOE has submitted a certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

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

DOE is not amending the certification or reporting requirements for EPSs in this final rule. Instead, DOE may consider proposals to amend the certification requirements and reporting for EPSs under a separate rulemaking regarding appliance and equipment certification. DOE will address changes to OMB Control Number 1910–1400 at that time, as necessary.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE establishes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for EPSs. DOE has determined that this final rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 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 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 affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) 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 them. 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.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any 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 *www.energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. 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.

I. 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 will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under 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 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 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.* DOE has reviewed this final 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) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is 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, it would 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. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; ''FEAA'') Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (''FTC'') concerning the impact of the commercial or industry standards on competition.

While the modifications to the test procedure for EPSs do not incorporate any new industry standards, DOE has nevertheless consulted both with the Attorney General and the Chairman of the FTC. Neither had any comments regarding DOE's proposed actions.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been

determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

N. Description of Materials Incorporated by Reference

In this final rule, DOE maintains the current incorporation by reference of IEC 62301 Ed. 2.0 in 10 CFR 430.3 and appendix Z to subpart B, creating a new section 0 in appendix Z, titled ''Incorporation by Reference,'' to enumerate the specific provisions of the standard that are applicable to the EPS test procedure in appendix Z. Specifically, section 0 of appendix Z would limit use of the material incorporated by reference to the following sections of IEC 62301:

IEC 62301, ''Household electrical appliances—Measurement of standby power,'' Edition 2.0, 2011–01:

Section 4.4.1, ''Power measurement uncertainty;''

Section 5.3.3, ''Average reading method;''

Annex B, ''Notes on the measurement of low power modes;'' and

Annex D, ''Determination of uncertainty of measurement.''

IEC 62301 is an industry-accepted standard for measuring the standby power of household electrical appliances. This standard continues to be reasonably available and can be obtained from the American National Standards Institute at the following address:

American National Standards Institute, 25 W 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4936, or by visiting *webstore.ansi.org.*

V. Approval of the Office of the Secretary

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

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on July 21, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 21, 2022.

Treena V. Garrett,

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

For the reasons stated in the preamble, DOE amends part 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.2 is amended by:

■ a. Removing the definition for ''Adaptive external power supply'';

■ b. Adding, in alphabetical order, a definition for ''Commercial and industrial power supply''; and

■ c. Revising the definition for ''External power supply.''

The addition and revision read as follows:

§ 430.2 Definitions.

* * * * *

Commercial and industrial power supply means a power supply that is used to convert electric current into DC or lower-voltage AC current, is not distributed in commerce for use with a consumer product, and may include any of the following characteristics:

(1) A power supply that requires 3-phase input power and that is incapable of operating on household mains electricity;

(2) A DC–DC-only power supply that is incapable of operating on household mains electricity;

(3) A power supply with a fixed, non-removable connection to an end-use device that is not a consumer product as defined under the Act;

(4) A power supply whose output connector is uniquely shaped to fit only an end-use device that is not a consumer product;

(5) A power supply that cannot be readily connected to an end-use device that is a consumer product without significant modification or customization of the power supply itself or the end-use device;

(6) A power supply packaged with an end-use device that is not a consumer product, as evidenced by either:

(i) Such device being certified as, or declared to be in conformance with, a specific standard applicable only to non-consumer products. For example, a power supply model intended for use with an end-use device that is certified to the following standards would not meet the EPCA definition of an EPS:

(A) CISPR 11 (Class A Equipment), ''Industrial, scientific and medical equipment—Radio-frequency disturbance—Limits and methods of measurement'';

(B) UL 1480A, ''Standard for Speakers for Commercial and Professional Use'';

(C) UL 813, ''Standard for Commercial Audio Equipment''; and

(D) UL 1727, ''Standard for Commercial Electric Personal Grooming Appliances''; or

(ii) Such device being excluded or exempted from inclusion within, or conformance with, a law, regulation, or broadly-accepted industry standard where such exclusion or exemption applies only to non-consumer products;

(7) A power supply distributed in commerce for use with an end-use device where:

(i) The end-use device is not a consumer product, as evidenced by either the circumstances in paragraph (6)(i) or (ii) of this definition; and

(ii) The end-use device for which the power supply is distributed in commerce is reasonably disclosed to the public, such as by identification of the end-use device on the packaging for the power supply, documentation physically present with the power supply, or on the manufacturer's or private labeler's public website; or

(8) A power supply that is not marketed for residential or consumer use, and that is clearly marked (or, alternatively, the packaging of the individual power supply, the shipping container of multiple such power supplies, or associated documentation physically present with the power supply when distributed in commerce is clearly marked) ''FOR USE WITH COMMERCIAL OR INDUSTRIAL EQUIPMENT ONLY'' or ''NOT FOR RESIDENTIAL OR CONSUMER USE,'' with the marking designed and applied so that the marking will be visible and legible during customary conditions for the item on which the marking is placed.

* * * * *

External power supply means an external power supply circuit that is used to convert household electric current into DC current or lower-voltage

AC current to operate a consumer product. However, the term does not include any ''commercial and industrial power supply'' as defined in this section, or a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

(1) Light-emitting diodes providing illumination;

(2) Organic light-emitting diodes providing illumination; or

(3) Ceiling fans using direct current motors.

* * * * *

■ 3. Section 430.23 is amended by revising paragraph (bb) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(bb) *External Power Supplies.* The energy consumption of an external power supply, including active-mode efficiency expressed as a percentage and the no-load, off, and standby mode energy consumption levels expressed in watts, shall be measured in accordance with appendix Z of this subpart.

* * * * *

■ 4. Appendix Z is revised to read as follows:

Appendix Z to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of External Power Supplies

Note: Starting on February 15, 2023, manufacturers must make any representations regarding the energy efficiency or power consumption of external power supplies based upon results generated under this appendix. Prior to that date, manufacturers must make any representations regarding the energy efficiency or power consumption of external power supplies based upon results generated under this appendix as it appeared at 10 CFR part 430, subpart B revised as of January 1, 2021. The provisions at section (4)(g) of this appendix regarding the testing of units for which a wire or cord is not provided by the manufacturer are not required for use until such time as compliance is required with any amended standards for external power supplies provided in § 430.32(w) that are published after January 1, 2021.

0. *Incorporation by reference.*

DOE incorporated by reference the entire standard for IEC 62301 in § 430.3; however, only enumerated provisions of this document are applicable to this appendix, as follows:

0.1 IEC 62301, (''IEC 62301''), Household electrical appliances—Measurement of standby power, (Edition 2.0, 2011–01), as follows:

(a) Section 4.3.2 ''Supply voltage waveform,'' as referenced in section 3 of this appendix;

(b) Section 4.4.1 ''Power measurement uncertainty,'' as referenced in section 4 of this appendix;

(c) Section 5.3.3 ''Average reading method,'' as referenced in sections 5 and 6 of this appendix;

(d) Annex B ''Notes on the measurement of low power modes,'' as referenced in section 4 of this appendix; and

(e) Annex D ''Determination of uncertainty of measurement,'' as referenced in section 4 of this appendix. 0.2 Reserved.

1. [Reserved]

2. *Scope:* This appendix covers the test requirements used to measure the energy consumption of external power supplies subject to the energy conservation standards set forth at § 430.32(w)(1). Additionally, this appendix does not apply to external power supplies for which the primary load of the converted voltage within the device is not delivered to a separate end-use product, *i.e.,* products in which the primary load of converted voltage is delivered within the device itself to execute the primary function of the device. Examples of excluded products may include, but are not limited to, consumer electronics with USB outputs and lighting products with USB outputs.

3. *Definitions:* The following definitions are for the purposes of understanding terminology associated with the test method for measuring external power supply energy consumption.

Active mode means the mode of operation when the external power supply is connected to the main electricity supply and the output is (or ''all outputs are'' for external power supplies with multiple outputs) connected to a load (or ''loads'' for external power supplies with multiple outputs).

Active mode efficiency is the ratio, expressed as a percentage, of the total real output power produced by a power supply to the real input power required to produce it. IEEE Standard 1515–2000, 4.3.1.1 (Reference for guidance only, see § 430.4.)

Active power (P) (also *real power*) means the average power consumed by a unit. For a two-terminal device with current and voltage waveforms i(t) and v(t), respectively, which are periodic with period T, the real or active power P is:

$$P = \frac{1}{T}\int_{0}^{T} v(t)i(t)dt$$

Adaptive external power supply means an external power supply that can alter its output voltage during active-mode based on an established digital communication protocol with the end-use application without any user-generated action.

Ambient temperature means the temperature of the ambient air immediately surrounding the unit under test.

Average Active-Mode Efficiency means the average of the active mode efficiencies at the loading conditions (100, 75, 50 percent, and 25 percent of unit under test's nameplate output current) for which that unit can sustain the output current.

Manual on-off switch is a switch activated by the user to control power reaching the device. This term does not apply to any mechanical, optical, or electronic switches that automatically disconnect mains power from the device when a load is disconnected from the device, or that control power to the load itself.

Minimum output current means the minimum current that must be drawn from an output bus for an external power supply to operate within its specifications.

Multiple-voltage external power supply means an external power supply that is designed to convert line voltage AC input into more than one simultaneous lower-voltage output.

Nameplate output current means the current output of the power supply as specified on the manufacturer's label on the power supply housing (either DC or AC) or, if absent from the housing, as provided by the manufacturer.

Nameplate output power means the power output of the power supply as specified on the manufacturer's label on the power supply housing or, if absent from the housing, as specified in documentation provided by the manufacturer. For an adaptive external power supply with USB–PD ports, in place of the nameplate output power at the lowest voltage, use an output power calculated as the product of its lowest nameplate output voltage and 2 amps for each USB–PD port and as specified on the manufacturer's label or documentation at the highest voltage. This definition only applies to DOE testing and certification requirements and is unrelated to the physical nameplate label or documentation of an EPS.

Nameplate output voltage means the voltage output of the power supply as specified on the manufacturer's label on the power supply housing (either DC or AC).

No-load mode means the mode of operation when an external power supply is connected to the main electricity supply and the output is (or ''all outputs are'' for a multiple-voltage external power supply) not connected to a load (or ''loads'' for a multiple-voltage external power supply).

Off-mode is the condition, applicable only to units with manual on-off switches, in which the external power supply is:

(1) Connected to the main electricity supply;

(2) The output is not connected to any load; and

(3) All manual on-off switches are turned off.

Output bus means any of the outputs of the power supply to which loads can be connected and from which power can be drawn, as opposed to signal connections used for communication.

RMS means root mean square.

Single-voltage external AC–AC power supply means an external power supply that is designed to convert line voltage AC input into lower voltage AC output and is able to convert to only one AC output voltage at a time.

Single-voltage external AC–DC power supply means an external power supply that is designed to convert line voltage AC input into lower-voltage DC output and is able to convert to only one DC output voltage at a time.

Standby mode means the condition in which the external power supply is in no-load mode and, for external power supplies with manual on-off switches, all such switches are turned on.

Switch-selectable single voltage external power supply means a single-voltage AC–AC or AC–DC power supply that allows users to choose from more than one output voltage.

Total harmonic distortion (THD), expressed as a percentage, is the RMS value of an AC signal after the fundamental component is removed and interharmonic components are ignored, divided by the RMS value of the fundamental component. THD of current is defined as:

$$THD = \frac{\sqrt{I_2^2 + I_3^2 + I_4^2 + \cdots I_n^2}}{I_1}$$

where I_n is the RMS value of the nth harmonic of the current signal.

Unit under test (UUT) is the external power supply being tested.

USB Power Delivery (USB–PD) EPS means an adaptive EPS that utilizes a USB Type-C output port and uses a digital protocol to communicate between the EPS and the end-use product to automatically switch between any output voltage within the range of 3.3 volts to 20 volts. The USB–PD output bus must be capable of delivering 3 amps at the lowest output voltage, and the currents must not exceed any of the following values for the supported voltages: 3 amps at 9 volts; 3 amps at 15 volts; and 5 amps at 20 volts.

USB Type-C means the reversible 24-pin physical USB connector system that supports USB–PD and allows for the transmission of data and power between compatible USB products.

4. *Test Apparatus and General Instructions*

(a) Any power measurements recorded, as well as any power measurement equipment utilized for testing, shall conform to the uncertainty and resolution specifications in Section 4.4.1, ''Power measurement uncertainty,'' as well as Annexes B, ''Notes on the measurement of low power modes,'' and D, ''Determination of uncertainty of measurement,'' of IEC 62301.

(b) Carry out tests in a room that has an air speed close to the UUT of ≤0.5 m/s. Maintain ambient temperature at 20 ± 5 °C throughout the test. Do not intentionally cool the UUT, for example, by use of separately powered fans, air conditioners, or heat sinks. Test the UUT on a thermally non-conductive surface. Products intended for outdoor use may be tested at additional temperatures, provided those are in addition to the conditions specified and are noted in a separate section on the test report.

(c) If the UUT is intended for operation on AC line-voltage input in the United States, test it at 115 V at 60 Hz. If the UUT is intended for operation on AC line-voltage input but cannot be operated at 115 V at 60 Hz, do not test it. Ensure the input voltage is within ±1 percent of the above specified voltage and the input frequency is within ±1 percent of the specified frequency.

(d) The input voltage source must be capable of delivering at least 10 times the nameplate input power of the UUT as is specified in IEEE 1515–2000 (Referenced for guidance only, see § 430.4). Regardless of the AC source type, the THD of the supply voltage when supplying the UUT in the specified mode must not exceed 2 percent, up to and including the 13th harmonic. The peak value of the test voltage must be within 1.34 and 1.49 multiplied by its RMS value.

(e) Select all leads used in the test set-up with appropriate wire gauges and lengths to minimize voltage drops across the wires during testing. See Table B.2 — ''Commonly used values for wire gages [*sic*] and related voltage drops'' in IEEE 1515–2000 for further guidance.

(f) Test Load. To load the power supply to produce all active-mode loading conditions, use passive loads, such as rheostats, or active loads, such as electronic loads. Resistive loads need not be measured precisely with an ohmmeter; simply adjust a variable resistor to the point where the ammeter confirms that the desired percentage of nameplate output current is flowing. For electronic loads, adjust the desired output current in constant current mode rather than adjusting the required output power in constant power mode.

(g) Test the external power supply at the end of the wire or cord that connects to an end-use product, regardless of whether the end of the wire or cord is integrated into an end-use product or plugs into and out of an end-use product. If a separate wire or cord is provided by the manufacturer to connect the external power supply to an end-use product, use this wire or cord and perform tests at the end of the cord that connects to an end-use product. An external power supply that is not supplied with a wire or cord must be tested with a wire or an output cord recommended by the manufacturer. If the external power supply is not supplied with a wire or cord and for which the manufacturer does not recommend one, the EPS must be tested with a 3-foot-long output wire or cord with a conductor thickness that is minimally sufficient to carry the maximum required current.

(1) If the connection to an end-use product is removable, there are two options for connecting metering equipment to the output connection of the external power supply:

(i) Cut the cord immediately adjacent to the output connector, or

(ii) Attach leads and measure the efficiency from the output connector itself.

(2) If the connection to an end-use product is not removable, cut the cord immediately adjacent to the powered product and connect metering equipment at that point.

(h) Conduct the tests on the sets of output wires that constitute the output busses. If the product has more than two output wires, including those wires that are necessary for controlling the product, the manufacturer must supply a connection diagram or test fixture that will allow the testing laboratory to put the UUT into active mode. Figure 1 of this section provides one illustration of how to set up a single-voltage external power supply for testing; however, the actual test setup may vary pursuant to the type of external power supply being tested and the requirements of this appendix.

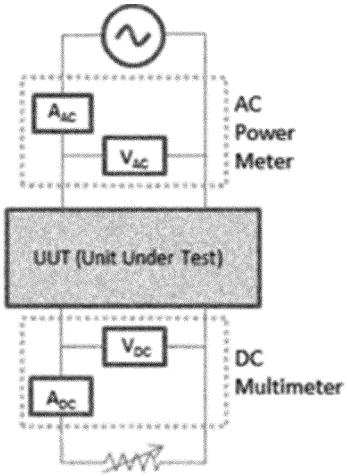

Figure 1. Example Connection Diagram for Single-Voltage External Power Supply Efficiency Measurements

(i) Except as provided in section 4(j) of this appendix, external power supplies must be tested in their final, completed configuration in order to represent their measured efficiency on product labels or specification sheets. Although the same procedure may be used to test the efficiency of a bare circuit board power supply prior to its incorporation into a finished housing and the attachment of its DC output cord, the efficiency of the bare circuit board power supply may not be used to characterize the efficiency of the final product (once enclosed in a case and fitted with a DC output cord). For example, a power supply manufacturer or component manufacturer may wish to assess the efficiency of a design that it intends to provide to an OEM for incorporation into a finished external power supply, but these results may not be used to represent the efficiency of the finished external power supply.

(j) If a product serves one or more other major functions in addition to converting household electric current into DC current or lower-voltage AC current, components of the product that serve other functions may be disconnected before testing so that test measurements do not include power used by other functions and as long as disconnecting such components do not affect the ability of the product to convert household electric current into DC current or lower-voltage AC current. For example, consider an EPS that also acts as a surge protector that offers outlets supplying AC household electric current and one or more USB outputs supplying DC current. If power is provided to the AC outlets through a surge protection circuit, but power to the USB outlet(s) is not, then the surge protection circuit may be disconnected from AC power during testing. Similarly, if a lighted manual on-off switch disconnects power only to the AC outlets, but not the USB outputs, then the manual on-off switch may be turned off and power to the light disconnected during testing. If a disconnection is performed by a technician, the disconnection must be able to be replicated by a third-party test facility.

5. *Test Measurement for all External Power Supplies Other than Adaptive External Power Supplies:*

(a) Single-Voltage External Power Supply

(1) Standby Mode and Active-Mode Measurement.

(i) Place in the ''on'' position any built-in switch in the UUT controlling power flow to the AC input and note the existence of such a switch in the final test report.

(ii) Operate the UUT at 100 percent of nameplate output current for at least 30 minutes immediately prior to conducting efficiency measurements. After this warm-up period, monitor AC input power for a period of 5 minutes to assess the stability of the UUT. If the power level does not drift by more than 5 percent from the maximum value observed, the UUT is considered stable. If the UUT is stable, record the measurements obtained at the end of this 5-minute period. Measure subsequent loading conditions under the same 5-minute stability parameters. Note that only one warm-up period of 30 minutes is required for each UUT at the beginning of the test procedure. If the AC input power is not stable over a 5-minute period, follow the guidelines established by Section 5.3.3 of IEC 62301 for measuring average power or accumulated energy over time for both input and output.

(iii) Test the UUT at the nameplate output voltage(s) at the loading conditions listed in Table 1, derated per the proportional allocation method presented in section 5(a)(1)(iv) of this appendix. Conduct efficiency measurements in sequence from Loading Condition 1 to Loading Condition 4 as indicated in Table 1 of this section. For Loading Condition 5, place the UUT in no-load mode, disconnect any additional signal connections to the UUT, and measure input power.

TABLE 1—LOADING CONDITIONS FOR UNIT UNDER TEST

Loading Condition 1	100% of Derated Nameplate Output Current ±2%.
Loading Condition 2	75% of Derated Nameplate Output Current ±2%.
Loading Condition 3	50% of Derated Nameplate Output Current ±2%.
Loading Condition 4	25% of Derated Nameplate Output Current ±2%.
Loading Condition 5	0%.

Note: The 2 percent allowance pertains to nameplate output current, not the calculated current value. For example, a UUT at Loading Condition 3 may be tested in a range from 48 percent to 52 percent of the derated output current.

(A) If testing of additional, optional loading conditions is desired, conduct that testing in accordance with this test procedure and subsequent to completing the sequence described in section 5(a)(1)(iii) of this appendix.

(B) Where the external power supply lists both an instantaneous and continuous output current, test the external power supply at the continuous condition only.

(C) If an external power supply cannot sustain output at one or more of the Loading Conditions 1–4 as specified in Table 1 of this section, test the external power supply only at the loading conditions for which it can sustain output.

(iv) Use the following proportional allocation method to provide consistent loading conditions for single-voltage external power supplies with multiple-output busses. For additional explanation (provided for guidance only), please refer to section 6.1.1 of the California Energy Commission's ''Generalized Test Protocol for Calculating the Energy Efficiency of Internal Ac-Dc Power Supplies Revision 6.7,'' March 2014.

(A) Consider a power supply with N output busses, each with the same nameplate output voltages V_1, * * *, V_N, corresponding output current ratings I_1, * * *, I_N, and a nameplate output power P. Calculate the derating factor D by dividing the power supply maximum output power P by the sum of the maximum output powers of the individual output busses, equal to the product of port nameplate output voltage and current I_iV_i, as follows:

$$D = \frac{P}{\sum_{i=1}^{N} V_i I_i},$$

(B) If D ≥1, then loading every port to its nameplate output current does not exceed the overall maximum output power for the power supply. In this case, load each output bus to the percentages of its nameplate output current listed in Table 1 of this section. However, if D <1, it is an indication that loading each port to its nameplate output current will exceed the overall maximum output power for the power supply. In this case, and at each loading condition, load each output bus to the appropriate percentage of its nameplate output current as listed in Table 1, multiplied by the derating factor D.

(v) Test switch-selectable single-voltage external power supplies twice—once at the highest nameplate output voltage and once at the lowest.

(vi) Efficiency calculation. Calculate and record efficiency at each loading point by dividing the UUT's measured active output power at a given loading condition by the active AC input power measured at that loading condition.

(A) Calculate and record average efficiency of the UUT as the arithmetic mean of the efficiency values calculated at Loading Conditions 1, 2, 3, and 4 in Table 1 of this section.

(B) If, when tested, a UUT cannot sustain output current at one or more of the loading conditions as specified in Table 1, the average active-mode efficiency is calculated as the average of the loading conditions for which it can sustain output.

(C) If the UUT can only sustain one output current at any of the output busses, test it at the loading condition that allows for the maximum output power on that bus (*i.e.,* the highest output current possible at the highest output voltage on that bus).

(vii) Power consumption calculation. The power consumption of Loading Condition 5 (no-load) is equal to the active AC input power (W) at that loading condition.

(viii) Off-Mode Measurement. If the UUT incorporates manual on-off switches, place the UUT in off-mode, and measure and record its power consumption at Loading Condition 5 in Table 1 of this section. The measurement of the off-mode energy consumption must conform to the requirements specified in section 5(a)(1) of this appendix, except that all manual on-off

switches must be placed in the ''off'' position for the off-mode measurement. The UUT is considered stable if, over 5 minutes with samples taken at least once every second, the AC input power does not drift from the maximum value observed by more than 1 percent or 50 milliwatts, whichever is greater. Measure the off-mode power consumption of a switch-selectable single-voltage external power supply twice—once at the highest nameplate output voltage and once at the lowest.

(b) Multiple-Voltage External Power Supply.

(1) Standby-Mode and Active-Mode Measurement.

(i) Place in the ''on'' position any built-in switch in the UUT controlling power flow to the AC input and note the existence of such a switch in the final test report.

(ii) Operate the UUT at 100 percent of nameplate output current for at least 30 minutes immediately prior to conducting efficiency measurements. After this warm-up period, monitor AC input power for a period of 5 minutes to assess the stability of the UUT. If the power level does not drift by more than 1 percent from the maximum value observed, the UUT is considered stable. If the UUT is stable, record the measurements obtained at the end of this 5-minute period. Measure subsequent loading conditions under the same 5-minute stability parameters. Note that only one warm-up period of 30 minutes is required for each UUT at the beginning of the test procedure. If the AC input power is not stable over a 5-minute period, follow the guidelines established by Section 5.3.3 of IEC 62301 for measuring average power or accumulated energy over time for both input and output.

(iii) Test the UUT at the nameplate output voltage(s) at the loading conditions listed in Table 2 of this section, derated per the proportional allocation method presented in section 5(b)(1)(iv) of this appendix. Active or passive loads used for efficiency testing of the UUT must maintain the required current loading set point for each output voltage within an accuracy of ±0.5 percent. Conduct efficiency measurements in sequence from Loading Condition 1 to Loading Condition 4 as indicated in Table 2 of this section. For Loading Condition 5, place the UUT in no-load mode, disconnect any additional signal connections to the UUT, and measure input power.

TABLE 2—LOADING CONDITIONS FOR UNIT UNDER TEST

Loading Condition 1	100% of Derated Nameplate Output Current ±2%.
Loading Condition 2	75% of Derated Nameplate Output Current ±2%.
Loading Condition 3	50% of Derated Nameplate Output Current ±2%.
Loading Condition 4	25% of Derated Nameplate Output Current ±2%.
Loading Condition 5	0%.

Note: The 2 percent allowance pertains to nameplate output current, not the calculated current value. For example, a UUT at Loading Condition 3 may be tested in a range from 48 percent to 52 percent of the derated output current.

(A) If testing of additional, optional loading conditions is desired, conduct that testing in accordance with this test procedure and subsequent to completing the sequence described in section 5(b)(1)(iii) of this appendix.

(B) Where the external power supply lists both an instantaneous and continuous output current, test the external power supply at the continuous condition only.

(C) If an external power supply cannot sustain output at one or more of the Loading Conditions 1–4 as specified in Table 2 of this section, test the external power supply only at the loading conditions for which it can sustain output.

(iv) Use the following proportional allocation method to provide consistent loading conditions for multiple-voltage external power supplies. For additional explanation (provided for guidance only), please refer to section 6.1.1 of the California Energy Commission's ''Proposed Test Protocol for Calculating the Energy Efficiency of Internal Ac-Dc Power Supplies Revision 6.7,'' March 2014.

(A) Consider a power supply with N output busses, and nameplate output voltages V_1, * * *, V_N, corresponding output current ratings I_1, * * *, I_N, and a maximum output power P as specified on the manufacturer's label on the power supply housing, or, if absent from the housing, as specified in the documentation provided with the unit by the manufacturer. Calculate the derating factor D by dividing the power supply maximum output power P by the sum of the maximum output powers of the individual output busses, equal to the product of bus nameplate output voltage and current I_iV_i, as follows:

$$D = \frac{P}{\sum_{i=1}^{N} V_i I_i},$$

(B) If D ≥1, then loading every bus to its nameplate output current does not exceed the overall maximum output power for the power supply. In this case, load each output bus to the percentages of its nameplate output current listed in Table 2 of this section. However, if D <1, it is an indication that loading each bus to its nameplate output current will exceed the overall maximum output power for the power supply. In this case, and at each loading condition, load each output bus to the appropriate percentage of its nameplate output current listed in Table 2 of this section, multiplied by the derating factor D.

(v) Minimum output current requirements. Depending on their application, some multiple-voltage power supplies may require a minimum output current for each output bus of the power supply for correct operation. In these cases, ensure that the load current for each output at Loading Condition 4 in Table 2 is greater than the minimum output current requirement. Thus, if the test method's calculated load current for a given voltage bus is smaller than the minimum output current requirement, the minimum output current must be used to load the bus. This load current shall be properly recorded in any test report.

(vi) Efficiency calculation. Calculate and record efficiency at each loading point by dividing the UUT's measured active output power at a given loading condition by the active AC input power measured at that loading condition.

(A) Calculate and record average efficiency of the UUT as the arithmetic mean of the efficiency values calculated at Loading Conditions 1, 2, 3, and 4, in Table 2 of this section.

(B) If, when tested, a UUT cannot sustain output current at one or more of the loading conditions as specified in Table 2 of this section, the average active mode efficiency is calculated as the average of the loading conditions for which it can sustain output.

(C) If the UUT can only sustain one output current at any of the output busses, test it at the loading condition that allows for the maximum output power on that bus (*i.e.,* the highest output current possible at the highest output voltage on that bus).

(vii) Power consumption calculation. The power consumption of Loading Condition 5 (no-load) is equal to the active AC input power (W) at that loading condition.

(2) Off-mode Measurement—If the UUT incorporates manual on-off switches, place the UUT in off-mode and measure and record its power consumption at Loading Condition 5 in Table 2 of this section. The measurement of the off-mode energy consumption must conform to the requirements specified in section (5)(b)(1) of this appendix, except that all manual on-off switches must be placed in the ''off'' position for the off-mode measurement. The UUT is considered stable if, over 5 minutes with samples taken at least once every second, the AC input power does not drift from the maximum value observed by more than 1 percent or 50 milliwatts, whichever is greater.

6. *Test Measurement for Adaptive External Power Supplies:*

(a) Single-Voltage Adaptive External Power Supply.

(1) Standby Mode and Active-Mode Measurement.

(i) Place in the ''on'' position any built-in switch in the UUT controlling power flow to the AC input and note the existence of such a switch in the final test report.

(ii) Operate the UUT at 100 percent of nameplate output current for at least 30 minutes immediately prior to conducting efficiency measurements. After this warm-up period, monitor AC input power for a period of 5 minutes to assess the stability of the UUT. If the power level does not drift by more than 5 percent from the maximum value observed, the UUT is considered stable. If the UUT is stable, record the measurements obtained at the end of this 5-minute period. Measure subsequent loading conditions under the same 5-minute stability parameters. Note that only one warm-up period of 30 minutes is required for each UUT at the beginning of the test procedure. If the AC input power is not stable over a 5-minute period, follow the guidelines established by Section 5.3.3 of IEC 62301 for measuring average power or accumulated energy over time for both input and output.

(iii) Test the UUT at the nameplate output voltage(s) at the loading conditions listed in Table 3 of this section, derated per the proportional allocation method presented in section 6(a)(1)(iv) of this appendix. Adaptive external power supplies must be tested twice—once at the highest nameplate output voltage and once at the lowest nameplate output voltage as described in the following sections.

(A) At the highest nameplate output voltage, test adaptive external power supplies in sequence from Loading Condition 1 to Loading Condition 4, as indicated in Table 3 of this section. For Loading Condition 5, place the UUT in no-load mode, disconnect any additional signal connections, and measure the input power.

(B) At the lowest nameplate output voltage, with the exception of USB–PD EPSs, test all adaptive external power supplies in sequence from Loading Condition 1 to Loading Condition 4, as indicated in Table 3 of this section. For USB–PD adaptive external power supplies, at the lowest nameplate output voltage, test the external power supply such that for Loading Conditions 1, 2, 3, and 4, all adaptive ports are loaded to 2 amperes, 1.5 amperes, 1 ampere, and 0.5 amperes, respectively. All non-adaptive ports will continue to be loaded as indicated in Table 3 of this section. For Loading Condition 5, test all adaptive external power supplies by placing the UUT in no-load mode, disconnecting any additional signal connections, and measuring the input power.

TABLE 3—LOADING CONDITIONS FOR A SINGLE-VOLTAGE ADAPTIVE EXTERNAL POWER SUPPLY

Loading Condition 1	100% of Derated Nameplate Output Current ±2%.
Loading Condition 2	75% of Derated Nameplate Output Current ±2%.
Loading Condition 3	50% of Derated Nameplate Output Current ±2%.
Loading Condition 4	25% of Derated Nameplate Output Current ±2%.
Loading Condition 5	0%.

Note: The 2 percent allowance pertains to nameplate output current, not the calculated current value. For example, a UUT at Loading Condition 3 may be tested in a range from 48 percent to 52 percent of the derated output current.

(C) If testing of additional, optional loading conditions is desired, conduct that testing in accordance with this test procedure and subsequent to completing the sequence described in section 6(a)(1)(iii) of this appendix.

(D) Where the external power supply lists both an instantaneous and continuous output current, test the external power supply at the continuous condition only.

(E) If an external power supply cannot sustain output at one or more of the Loading Conditions 1–4 as specified in Table 3 of this section, test the external power supply only at the loading conditions for which it can sustain output.

(iv) Use the following proportional allocation method to provide consistent loading conditions for single-voltage adaptive external power supplies with multiple-output busses. For additional explanation, please refer to section 6.1.1 of the California Energy Commission's ''Proposed Test Protocol for Calculating the Energy Efficiency of Internal Ac-Dc Power Supplies Revision 6.7,'' March 2014.

(A) Consider a power supply with N output busses, each with the same nameplate output voltages V_1, * * *, V_N, corresponding output current ratings I_1, * * *, I_N, and a maximum output power P as specified on the manufacturer's label on the power supply housing, or, if absent from the housing, as specified in the documentation provided with the unit by the manufacturer. Calculate the derating factor D by dividing the power supply maximum output power P by the sum of the maximum output powers of the individual output busses, equal to the product of port nameplate output voltage and current I_iV_i, as follows:

$$D = \frac{P}{\sum_{i=1}^{N} V_i I_i},$$

For USB–PD adaptive external power supplies, at the lowest nameplate output voltage, limit the contribution from each port to 10W when calculating the derating factor.

(B) If D ≥1, then loading every port to its nameplate output current does not exceed the overall maximum output power for the power supply. In this case, load each output bus to the percentages of its nameplate output current listed in Table 3 of this section. However, if D <1, it is an indication that loading each port to its nameplate output current will exceed the overall maximum output power for the power supply. In this case, and at each loading condition, each output bus will be loaded to the appropriate percentage of its nameplate output current listed in Table 3 of this section, multiplied by the derating factor D.

(v) Efficiency calculation. Calculate and record the efficiency at each loading point by dividing the UUT's measured active output power at that loading condition by the active AC input power measured at that loading condition.

(A) Calculate and record average efficiency of the UUT as the arithmetic mean of the efficiency values calculated at Loading Conditions 1, 2, 3, and 4 in Table 3 of this section.

(B) If, when tested, a UUT cannot sustain the output current at one or more of the loading conditions as specified in Table 3 of this section, the average active-mode efficiency is calculated as the average of the loading conditions for which it can sustain output.

(C) If the UUT can only sustain one output current at any of the output busses, test it at the loading condition that allows for the maximum output power on that bus (*i.e.,* the highest output current possible at the highest output voltage on that bus).

(vi) Power consumption calculation. The power consumption of Loading Condition 5 (no-load) is equal to the active AC input power (W) at that loading condition.

(2) Off-Mode Measurement—If the UUT incorporates manual on-off switches, place the UUT in off-mode and measure and record its power consumption at Loading Condition 5 in Table 3 of this section. The measurement of the off-mode energy consumption must conform to the requirements specified in section 6(a)(1) of this appendix, except that all manual on-off switches must be placed in the ''off'' position for the off-mode measurement. The UUT is considered stable if, over 5 minutes with samples taken at least once every second, the AC input power does not drift from the maximum value observed by more than 1 percent or 50 milliwatts, whichever is greater. Measure the off-mode power consumption of a single-voltage adaptive external power supply twice—once at the highest nameplate output voltage and once at the lowest.

(b) Multiple-Voltage Adaptive External Power Supply.

(1) Standby Mode and Active-Mode Measurement.

(i) Place in the ''on'' position any built-in switch in the UUT controlling power flow to the AC input and note the existence of such a switch in the final test report.

(ii) Operate the UUT at 100 percent of nameplate output current for at least 30 minutes immediately prior to conducting efficiency measurements. After this warm-up period, monitor AC input power for a period of 5 minutes to assess the stability of the UUT. If the power level does not drift by more than 1 percent from the maximum value observed, the UUT is considered stable.

If the UUT is stable, record the measurements obtained at the end of this 5-minute period. Measure subsequent loading conditions under the same 5-minute stability parameters. Note that only one warm-up period of 30 minutes is required for each UUT at the beginning of the test procedure. If the AC input power is not stable over a 5-minute period, follow the guidelines established by Section 5.3.3 of IEC 62301 for measuring average power or accumulated energy over time for both input and output.

(iii) Test the UUT at the nameplate output voltage(s) at the loading conditions listed in Table 4 of this section, derated per the proportional allocation method presented in section 6(b)(1)(iv) of this appendix. Active or passive loads used for efficiency testing of the UUT must maintain the required current loading set point for each output voltage within an accuracy of ±0.5 percent. Adaptive external power supplies must be tested twice—once at the highest nameplate output voltage and once at the lowest nameplate output voltage as described in the following sections.

(A) At the highest nameplate output voltage, test adaptive external power supplies in sequence from Loading Condition 1 to Loading Condition 4, as indicated in Table 4 of this section. For Loading Condition 5, place the UUT in no-load mode, disconnect any additional signal connections, and measure the input power.

(B) At the lowest nameplate output voltage, with the exception of USB–PD EPSs, test all other adaptive external power supplies, in sequence from Loading Condition 1 to Loading Condition 4, as indicated in Table 4 of this section. For USB–PD adaptive external power supplies, at the lowest nameplate output voltage, test the external power supply such that for Loading Conditions 1, 2, 3, and 4, all adaptive ports are loaded to 2 amperes, 1.5 amperes, 1 ampere, and 0.5 amperes, respectively. All non-adaptive ports will continue to be loaded as indicated in Table 4 of this section. For Loading Condition 5, test all adaptive external power supplies by placing the UUT in no-load mode, disconnecting any additional signal connections, and measuring the input power.

TABLE 4—LOADING CONDITIONS FOR A MULTIPLE-VOLTAGE ADAPTIVE EXTERNAL POWER SUPPLY

Loading Condition 1	100% of Derated Nameplate Output Current ±2%.
Loading Condition 2	75% of Derated Nameplate Output Current ±2%.
Loading Condition 3	50% of Derated Nameplate Output Current ±2%.
Loading Condition 4	25% of Derated Nameplate Output Current ±2%.
Loading Condition 5	0%.

Note: The 2 percent allowance pertains to nameplate output current, not the calculated current value. For example, a UUT at Loading Condition 3 may be tested in a range from 48 percent to 52 percent of the derated output current.

(C) If testing of additional, optional loading conditions is desired, conduct that testing in accordance with this test procedure and subsequent to completing the sequence described in section 6(b)(1)(iii) of this appendix.

(D) Where the external power supply lists both an instantaneous and continuous output current, test the external power supply at the continuous condition only.

(E) If an adaptive external power supply is operating as a multiple-voltage external power supply at only the highest nameplate output voltage or lowest nameplate output voltage, test this external power supply as a multiple-voltage adaptive external power supply at both the highest nameplate output voltage and the lowest nameplate output voltage.

(F) If an external power supply has both adaptive and non-adaptive ports, and these ports operate simultaneously at multiple voltages, ensure that testing is performed with all ports active at both the highest and lowest nameplate output voltage. For example, if an external power supply has a USB–PD adaptive output bus that operates at 5 volts and 20 volts and a second non-adaptive output bus that operates at 9 volts, test this EPS at the highest nameplate output voltage with both the adaptive and non-adaptive ports respectively loaded at 20 volts and 9 volts; likewise, test it at the lowest nameplate output voltage with both the adaptive and non-adaptive ports respectively loaded at 5 volts and 9 volts.

(G) If an external power supply cannot sustain output at one or more of the Loading Conditions 1–4 as specified in Table 4 of this section, test the external power supply only at the loading conditions for which it can sustain output.

(iv) Use the following proportional allocation method to provide consistent loading conditions for multiple-voltage adaptive external power supplies. For additional explanation, please refer to section 6.1.1 of the California Energy Commission's ''Proposed Test Protocol for Calculating the Energy Efficiency of Internal Ac-Dc Power Supplies Revision 6.7,'' March 2014.

(A) Consider a multiple-voltage power supply with N output busses, and nameplate output voltages V_1, * * *, V_N, corresponding output current ratings I_1, * * *, I_N, and a maximum output power P as specified on the manufacturer's label on the power supply housing, or, if absent from the housing, as specified in the documentation provided with the unit by the manufacturer. Calculate the derating factor D by dividing the power supply maximum output power P by the sum of the maximum output powers of the individual output busses, equal to the product of bus nameplate output voltage and current I_iV_i, as follows:

$$D = \frac{P}{\sum_{i=1}^{N} V_i I_i},$$

For USB–PD adaptive external power supplies, at the lowest nameplate output voltage, limit the contribution from each port to 10W when calculating the derating factor.

(B) If D ≥1, then loading every bus to its nameplate output current does not exceed the overall maximum output power for the power supply. In this case, load each output bus to the percentages of its nameplate output current listed in Table 4 of this section. However, if D <1, it is an indication that loading each bus to its nameplate output current will exceed the overall maximum output power for the power supply. In this case, at each loading condition, load each output bus to the appropriate percentage of its nameplate output current listed in Table 4 of this section, multiplied by the derating factor D.

(v) Minimum output current requirements. Depending on their application, some multiple-voltage adaptive external power supplies may require a minimum output current for each output bus of the power supply for correct operation. In these cases, ensure that the load current for each output at Loading Condition 4 in Table 4 of this section is greater than the minimum output current requirement. Thus, if the test method's calculated load current for a given voltage bus is smaller than the minimum output current requirement, use the minimum output current to load the bus. Record this load current in any test report.

(vi) Efficiency calculation. Calculate and record the efficiency at each loading point by dividing the UUT's measured active output power at that loading condition by the active AC input power measured at that loading condition.

(A) Calculate and record average efficiency of the UUT as the arithmetic mean of the efficiency values calculated at Loading Conditions 1, 2, 3, and 4 in Table 4 of this section.

(B) If, when tested, a UUT cannot sustain the output current at one or more of the loading conditions as specified in Table 4, the average active-mode efficiency is calculated as the average of the loading conditions for which it can sustain output.

(C) If the UUT can only sustain one output current at any of the output busses, test it at the loading condition that allows for the maximum output power on that bus (*i.e.,* the highest output current possible at the highest output voltage on that bus).

(vii) Power consumption calculation. The power consumption of Loading Condition 5 (no-load) is equal to the active AC input power at that loading condition.

(2) Off-mode Measurement—If the UUT incorporates manual on-off switches, place the UUT in off-mode, and measure and record its power consumption at Loading Condition 5 in Table 4 of this section. The measurement of the off-mode energy

consumption must conform to the requirements specified in section (6)(b)(1) of this appendix, except that all manual on-off switches must be placed in the ''off'' position for the off-mode measurement. The UUT is considered stable if, over 5 minutes with samples taken at least once every second, the AC input power does not drift from the maximum value observed by more than 1 percent or 50 milliwatts, whichever is greater. Measure the off-mode power consumption of a multiple-voltage adaptive external power supply twice—once at the highest nameplate output voltage and once at the lowest.

[FR Doc. 2022–15975 Filed 8–18–22; 8:45 am]

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Part III

The President

Federal Register
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Friday, August 19, 2022

Presidential Documents

Title 3—

The President

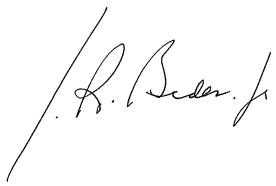
Memorandum of August 8, 2022

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the FAA to direct the drawdown of up to $1 billion in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, August 8, 2022

[FR Doc. 2022–18115
Filed 8–18–22; 11:15 am]
Billing code 4710–10–P

Presidential Documents

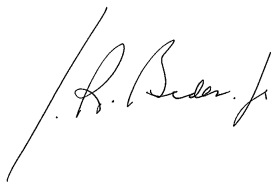
Presidential Determination No. 2022–20 of August 9, 2022

Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia

Memorandum for the Secretary of State [and] the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States, and pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Colombia, that: (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary, because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) Colombia has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which includes effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register* and to notify the Congress of this determination.



THE WHITE HOUSE,
Washington, August 9, 2022

[FR Doc. 2022–18116
Filed 8–18–22; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Memorandum of August 12, 2022

Delegation of Authority Under the Trans-Sahara Counterterrorism Partnership Program Act of 2022

Memorandum for the Secretary of State

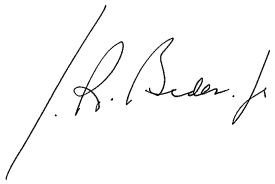
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the functions and authorities vested in the President by the following provisions of the Trans-Sahara Counterterrorism Partnership Program Act of 2022 (Division AA of Public Law 117–103):

(a) section 104(b), with respect to the Trans-Sahara Counterterrorism Partnership Program;

(b) section 104(d), with respect to the comprehensive 5-year strategies for the Sahel-Maghreb and the Trans-Sahara Counterterrorism Partnership Program counterterrorism efforts; and

(c) section 104(f), with respect to submitting the reports.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, August 12, 2022

[FR Doc. 2022–18117
Filed 8–18–22; 11:15 am]
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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov*. Some laws may not yet be available.

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To provide for reconciliation pursuant to title II of S. Con. Res. 14. (Aug. 16, 2022; 136 Stat. 1818)

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Public Safety Officer Support Act of 2022 (Aug. 16, 2022; 136 Stat. 2098)

S. 3451/P.L. 117–173

To include certain computer-related projects in the Federal permitting program under title XLI of the FAST Act, and for other purposes. (Aug. 16, 2022; 136 Stat. 2103)

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