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# 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.

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 210 and 220

RIN 0584-AE81

#### Child Nutrition Programs: Transitional Standards for Milk, Whole Grains, and Sodium; Correction

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Final rule; technical corrections.

**SUMMARY:** The Food and Nutrition Service (FNS) is correcting a final rule with request for comments that appeared in the **Federal Register** on February 7, 2022 and went into effect in the Code of Federal Regulations (CFR) on July 1, 2022. The rule established Child Nutrition Program transitional standards for milk, whole grains, and sodium for school years 2022–23 and 2023–24.

**DATE:** Effective August 25, 2022, and applicable beginning July 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Tina Namian, Director, School Meals Policy Division—4th Floor, Food and Nutrition

Service, 1320 Braddock Place, Alexandria, VA 22314; telephone: 703–305–2590.

**SUPPLEMENTARY INFORMATION:** The final rule that appeared in the **Federal Register** on February 7, 2022, had several typographical errors included in both the National School Lunch Program and the School Breakfast Program meal pattern charts which were corrected on August 3, 2022. The corrected breakfast meal pattern chart from the August 3rd correction introduced one additional typographical error found at 7 CFR 220.8(c), in the row labeled, “Grains (oz eq)<sup>d</sup>” under the heading, “Grades 9–12” where the *minimum per day* in parenthesis was printed as, “2” when it should have been printed as, “1”. The August 3, 2022, correction also inadvertently removed the heading from the table in the introductory text of paragraph in 7 CFR 210.10. This document corrects both errors.

#### List of Subjects

##### 7 CFR Part 210

Grant programs, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

##### 7 CFR Part 220

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

Accordingly, for reasons stated in the preamble, FNS amends 7 CFR parts 210 and 220 by making the following technical corrections:

#### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for part 210 continues to read as follows:

**Authority:** 42 U.S.C. 1751–1760, 1779.

■ 2. In § 210.10 amend paragraph (c) introductory text by adding a heading to the table to read as follows:

#### § 210.10 Meal requirements for lunches and requirements for afterschool snacks.

\* \* \* \* \*  
(c) \* \* \*

#### Table 1 to Paragraph (c) Introductory Text—Lunch Meal Pattern

\* \* \* \* \*

#### PART 220—SCHOOL BREAKFAST PROGRAM

■ 3. The authority citation for part 220 continues to read as follows:

**Authority:** (42 U.S.C. 1773, 1779, unless otherwise noted.)

■ 4. Amend § 220.8 by revising the table in paragraph (c) introductory text to read as follows:

#### § 220.8 Meal Requirements for Breakfast

\* \* \* \* \*  
(c) \* \* \*

TABLE 1 TO PARAGRAPH (c) INTRODUCTORY TEXT—BREAKFAST MEAL PATTERN

Food Components	Breakfast meal pattern		
	Grades K–5	Grades 6–8	Grades 9–12
	Amount of Food <sup>a</sup> per Week (minimum per day)		
Fruits (cups) <sup>b,c</sup> .....	5 (1)	5 (1)	5 (1)
Vegetables (cups) <sup>b,c</sup> .....	0	0	0
Dark green .....	0	0	0
Red/Orange .....	0	0	0
Beans and peas (legumes) .....	0	0	0
Starchy .....	0	0	0
Other .....	0	0	0
Grains (oz eq) <sup>d</sup> .....	7–10 (1)	8–10 (1)	9–10 (1)
Meats/Meat Alternates (oz eq) <sup>e</sup> .....	0	0	0
Fluid milk (cups) <sup>f</sup> .....	5 (1)	5 (1)	5 (1)
<b>Other Specifications: Daily Amount Based on the Average for a 5-Day Week</b>			
Min-max calories (kcal) <sup>g,h</sup> .....	350–500	400–550	450–600

TABLE 1 TO PARAGRAPH (c) INTRODUCTORY TEXT—BREAKFAST MEAL PATTERN—Continued

	Breakfast meal pattern		
	Grades K–5	Grades 6–8	Grades 9–12
Saturated fat (% of total calories) <sup>h</sup> .....	<10	<10	<10
Sodium Target 1 (mg) <sup>h</sup> .....	≤540	≤600	≤640
Trans fat <sup>h</sup> .....	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving.		

<sup>a</sup> Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

<sup>b</sup> One-quarter cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100% full-strength.

<sup>c</sup> Schools must offer 1 cup of fruit daily and 5 cups of fruit weekly. Vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans/peas (legumes), or “Other vegetables” subgroups, as defined in § 210.10(c)(2)(iii) of this chapter.

<sup>d</sup> At least 80 percent of grains offered weekly must meet the whole grain-rich criteria specified in FNS guidance, and the remaining grain items offered must be enriched. Schools may substitute 1 oz. eq. of meat/meat alternate for 1 oz. eq. of grains after the minimum daily grains requirement is met.

<sup>e</sup> There is no meat/meat alternate requirement.

<sup>f</sup> All fluid milk must be fat-free (skim) or low-fat (1 percent fat or less). Milk may be unflavored or flavored, provided that unflavored milk is offered at each meal service.

<sup>g</sup> The average daily calories for a 5-day school week must be within the range (at least the minimum and no more than the maximum values).

<sup>h</sup> Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, trans fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent milk fat are not allowed.

\* \* \* \* \*

**Tameka Owens,**  
*Assistant Administrator, Food and Nutrition Service.*  
 [FR Doc. 2022–18220 Filed 8–24–22; 8:45 am]  
**BILLING CODE 3410–30–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2022–0595; Project Identifier MCAI–2021–01180–T; Amendment 39–22144; AD 2022–17–06]

RIN 2120–AA64

**Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2021–16–07, which applied to certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes. AD 2021–16–07 required repetitive inspections of the left-hand (LH) and right-hand (RH) side center wing fairings at a certain frame, around the wing leading edge for discrepancies (cracks), and repair if necessary. This AD was prompted by a modification developed to reinforce the structure in the affected area, providing an optional

terminating action for the repetitive inspections required by AD 2021–16–07. This AD continues to require the actions in AD 2021–16–07 and allows new optional terminating action for the repetitive inspections, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 29, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 29, 2022.

**ADDRESSES:** For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2022–0595.

**Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2022–0595; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this

final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3220; email [shahram.daneshmandi@faa.gov](mailto:shahram.daneshmandi@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0182R1, dated October 29, 2021 (EASA AD 2020–0182R1) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DD, C–212–DE, C–212–DF, C–212–EE and C–212–VA airplanes. Model C–212–DD, C–212–EE, and C–212–VA airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–16–07, Amendment 39–21669 (86 FR 47210, August 24, 2021) (AD 2021–16–07). AD 2021–16–07 applied to certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE,



C-212-CF, C-212-DE, and C-212-DF airplanes. The NPRM published in the **Federal Register** on June 2, 2022 (87 FR 33457). The NPRM was prompted by a report of cracks on the LH and RH side fuselage skin and on a certain frame underneath the skin, near the leading edge of the wing, and the development of a modification to reinforce the structure in the affected area. The NPRM proposed to continue to require the actions in AD 2021-16-07 and to allow new optional terminating action for the repetitive inspections, as specified in EASA AD 2020-0182R1.

The FAA is issuing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity of the airplane. See the MCAI for additional background information.

**Discussion of Final Airworthiness Directive**

**Comments**

The FAA received no comments on the NPRM or on the determination of the cost to the public.

**Conclusion**

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

**Related Service Information Under 1 CFR Part 51**

EASA AD 2020-0182R1 specifies procedures for repetitive detailed visual inspections of the LH and RH side center wing fairings at FR 5, around the wing leading edge for discrepancies (cracks) and repair, and for a modification to reinforce the structure in the affected area, which terminates the repetitive inspections.

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

**Costs of Compliance**

The FAA estimates that this AD affects 45 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021-16-07 .....	3 work-hours × \$85 per hour = \$255 .....	\$0	\$255	\$11,475

The FAA has received no definitive data on which to base the cost estimates

for the on-condition repairs specified in this AD.

**ESTIMATED COSTS FOR OPTIONAL ACTIONS**

Labor cost	Parts cost	Cost per product
Up to 29 work-hours × \$85 per hour = \$2,465 .....	\$14,464	Up to \$16,929.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

**The Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by:
  - a. Removing Airworthiness Directive (AD) 2021-16-07, Amendment 39-21669 (86 FR 47210, August 24, 2021); and
  - b. Adding the following new AD:
 

**2022-17-06 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.):** Amendment 39-22144; Docket No. FAA-2022-0595; Project Identifier MCAI-2021-01180-T.

**(a) Effective Date**

This airworthiness directive (AD) is effective September 29, 2022.

**(b) Affected ADs**

This AD replaces AD 2021-16-07, Amendment 39-21669 (86 FR 47210, August 24, 2021) (AD 2021-16-07).

**(c) Applicability**

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, C-212-DE, and C-212-DF airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020-0182R1, dated October 29, 2021 (EASA AD 2020-0182R1).

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) side fuselage skin and on frame (FR) 5 underneath the skin, near the leading edge of the wing, and the development of a modification to reinforce the structure in the affected area. The FAA is issuing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity of the airplane.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020-0182R1.

**(h) Exceptions to EASA AD 2020-0182R1**

(1) Where EASA AD 2020-0182R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020-0182R1 refers to August 27, 2020 (the effective date of EASA AD 2020-0182), this AD requires using September 28, 2021 (the effective date of AD 2021-16-07).

(3) Where paragraph (2) of EASA AD 2020-0182R1 specifies to "contact Airbus D&S for approved instructions and accomplish those instructions accordingly" if discrepancies are detected, for this AD if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) The "Remarks" section of EASA AD 2020-0182R1 does not apply to this AD.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2020-0182R1

specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Additional AD Provisions**

The following provisions also apply to this AD:

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

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

**(k) Related Information**

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3220; email [shahram.daneshmandi@faa.gov](mailto:shahram.daneshmandi@faa.gov).

**(l) Material Incorporated by Reference**

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0182R1, dated October 29, 2021.

(ii) [Reserved]

(3) For EASA AD 2020-0182R1, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

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

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email

[fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on August 4, 2022.

**Christina Underwood**,  
Acting Director, Compliance & Airworthiness  
Division, Aircraft Certification Service.

[FR Doc. 2022-18322 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2022-0568; Airspace  
Docket No. 22-ASO-12]

**RIN 2120-AA66**

**Amendment of Class E Airspace;  
Alma, GA**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Bacon County Airport, Alma, GA, due to the decommissioning of the Alma Very High Frequency Omnidirectional Range Tactical Air Navigation (VORTAC) and cancellation of associated approaches, as well as updating the airport's geographic coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**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/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-6364.

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace for Bacon County Airport, Alma, GA, to support IFR operations in the area.

### History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 33083, June 1, 2022) for Docket No. FAA-2022-0568 to amend Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Bacon County Airport, Alma, GA.

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 E airspace designations are published in Paragraphs 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 E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

### Availability and Summary of Documents for Incorporation by Reference

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

### The Rule

The FAA is amending 14 CFR part 71 by amending Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Bacon County Airport, Alma, GA, due to the decommissioning of the Alma VORTAC and cancellation of associated

extensions. This action also updates the airport's geographic coordinates to coincide with the FAA's database, and removes the city name from airspace header per order FAA 7400.2. In addition, this action replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the airspace description.

Class E airspace designations are published in Paragraphs 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 E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11. FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is 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 5-6.5a.

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 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6002 Class E Surface Airspace.*  
\* \* \* \* \*

#### ASO GA E2 Alma, GA [Amended]

Bacon County Airport, GA  
(Lat. 31°32'10" N, long. 82°30'24" W)

That airspace extending upward from the surface within a 4-mile radius of Bacon County Airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Air Missions. The effective days 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.*  
\* \* \* \* \*

#### ASO GA E5 Alma, GA [Amended]

Bacon County Airport, GA  
(Lat. 31°32'10" N, long. 82°30'24" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bacon County Airport.

Issued in College Park, Georgia, on August 17, 2022.

**Andree C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2022-18286 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2022-0668; Airspace Docket No. 22-ASO-13]

RIN 2120-AA66

### Amendment of Class D Airspace, and Revocation of Class E Airspace; Fort Pierce, FL

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D airspace and removes Class E airspace area designated as an extension to Class D airspace in Fort Pierce, FL, as the Fort Pierce non-directional beacon (NDB) has been decommissioned and associated approaches into Treasure Coast International Airport canceled. This action also updates the airport's name and geographic coordinates. This action enhances the safety and management of controlled airspace within the national airspace system.

**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/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-6364.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends airspace in Fort Pierce, FL, to support IFR operations in the area.

**History**

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 33082, June 1, 2022) for Docket No. FAA-2022-0668 to amend Class D airspace and remove Class E area designated as an extension to Class D airspace in Fort Pierce, FL, due to the

decommissioning of the Fort Pierce NDB.

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

**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 became 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 routes, and reporting points.

**The Rule**

The FAA is amending 14 CFR part 71 by amending Class D airspace and removing Class E airspace designated as an extension to a Class D surface area for Treasure Coast International Airport (formerly St. Lucie County International Airport), Fort Pierce, FL, due to the decommissioning of the Fort Pierce NDB. The Class D airspace is increased to a 4.6-mile radius (formerly 4.2 miles), and the surface extensions eliminated, as the NDB approaches have been canceled. Additionally, this action updates the airport's name, and the airport's geographic coordinates to coincide with the FAA's database, as well as removing the city from the airport descriptor, as per the 7400.2. Also, this action replaces the term Airport/Facility Directory with the term Chart Supplement in the Class D description.

Class D and Class E airspace designations are published in Paragraphs 5000, and 6004, 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.

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

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under

Executive Order 12866; (2) is not a "significant rule" under 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 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 5-6.5a. 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 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.*

\* \* \* \* \*

**ASO FL D Fort Pierce, FL [Amended]**

Treasure Coast International Airport, FL (Lat. 27°29'51" N, long. 80°22'22" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.6 mile radius of Treasure Coast International Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Air Missions. The effective days and times

will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Designated as an Extension to Class D Surface Area.*

\* \* \* \* \*

#### ASO FL E4 Fort Pierce, FL [Removed]

Issued in College Park, Georgia, on August 19, 2022.

**Andree C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2022-18288 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2022-0697]

#### Special Local Regulations; Marine Events Within the Captain of the Port Charleston

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a special local regulation for the Swim Around Charleston on September 18, 2022, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Captain of the Port Charleston identifies the regulated area for this event in Charleston, SC. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Captain of the Port Charleston or a designated representative.

**DATES:** The regulations in 33 CFR 100.704 will be enforced for the location identified in Item 9 of Table 1 to § 100.704, from 9 a.m. through 3 p.m. on September 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Petty Officer Thomas Welker, Sector Charleston, Waterways Management Division, U.S. Coast Guard; telephone 843-740-3186, email [Thomas.J.Welker@uscg.mil](mailto:Thomas.J.Welker@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce special local regulations in 33 CFR 100.704, Table 1 to § 100.704, Item 9, for the Swim Around Charleston regulated area from 9 a.m. to 3 p.m. on September 18, 2022. This action is being taken to provide for

the safety of life on navigable waterways during this event. Our regulation for marine events within the Captain of the Port Charleston, § 100.704, specifies the location of the regulated area for the Swim Around Charleston as a moving safety zone including all waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extends 100 yards on either side of safety vessels. The Swim Around Charleston swimming race consists of a 12 mile course that starts at Remley's Point on the Wando River in approximate position 32°48'49" N, 79°54'27" W, crosses the main shipping channel under the main span of the Ravenel Bridge, and finishes at the I-526 bridge and boat landing on the Ashley River in approximate position 32°50'14" N, 80°01'23" W. During the enforcement periods, as reflected in § 100.704(c)(1), if you are the operator of a vessel in the regulated area you must comply with directions from the Captain of the Port Charleston or a designated representative.

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

Dated: August 19, 2022.

**J.D. Cole,**

*Captain, U.S. Coast Guard, Captain of the Port Charleston.*

[FR Doc. 2022-18289 Filed 8-24-22; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2022-0062]

RIN 1625-AA00

#### Safety Zone, Saint Simons Sound, GA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing an existing temporary safety zone which was put in place in response to the grounding of the M/V GOLDEN RAY. Salvage operations pertaining to the M/V GOLDEN RAY have concluded, therefore a safety zone is no longer required.

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

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0062 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 MSTC Ashley Schad, Marine Safety Unit Savannah Office of Waterways Management, Coast Guard, 912-652-4188 extension 242, or email [Ashley.M.Schad@uscg.mil](mailto:Ashley.M.Schad@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

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

##### II. Background Information and Regulatory History

On September 19, 2019, an emergency safety zone was put into place to protect vessels using the waterway from response and salvage operations pertaining to the capsizing of the M/V GOLDEN RAY. On January 25, 2022, the Unified Command in charge of the M/V GOLDEN RAY response and salvage operations notified the Captain of the Port (COTP) Marine Safety Unit Savannah that salvage operations were concluded, therefore the safety zone in Saint Simons Sound is no longer required. On March 31, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, "Safety Zone, Saint Simons Sound, GA"<sup>1</sup> proposing to remove the regulation in 33 CFR 165.T07-0794, "Safety Zone M/V Golden Ray; Saint Simons Sound." During the comment period that ended May 2, 2022, we received 0 comments.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTPPort Savannah has determined that a safety zone previously established for the response to the M/V GOLDEN RAY incident is no longer required.

##### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on the NPRM that published on March 31, 2022. There are no changes in the regulatory text of this rule from the proposed rule.

<sup>1</sup> 87 FR 18753.

This rule disestablishes the temporary safety zone in § 165.T07–0794 which is located at 31°07′39.66 North, 081°24′10.58 West, between Saint Simons Lighthouse and the north end of Jekyll Island, in the vicinity of green buoy #19, near Saint Simons Sound, GA.

## 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 waterway usage and the temporary nature of the previously established safety zone. While the temporary safety zone that we are removing was in place for more than two years, it was never intended to be permanent. There were many obstructions and hazards in the waterway, including the M/V GOLDEN RAY, other artificial obstructions that were used in its salvage, and the associated pollution prevention measures. These obstructions created a necessity for the temporary safety zone, but the obstructions have been removed, therefore there is no longer a need for the temporary safety zone. The temporary safety zone is now removed, and all waterway users regain unrestricted access to the waterway.

### 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 received 00 comments from the Small Business Administration on this rulemaking. 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.

This rule does not have a significant economic impact on any vessel owner or operator as full access to the waterway is reestablished and would not prevent any vessel from entering the previously established safety zone.

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 removing a previously established temporary safety zone. Normally such actions are categorically excluded from further review under paragraph L(60b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. It is categorically excluded from further review under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protestors. 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. 0170.1, Revision No. 01.2.

**§ 165.T07–0794 [Removed]**

■ 2. Remove § 165.T07–0794.

Dated: August 16, 2022.

**K.A. Broyles,**

*Commander, U.S. Coast Guard, Captain of the Port Savannah, GA.*

[FR Doc. 2022–18290 Filed 8–24–22; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R02–OAR–2022–0450; FRL–9927–02–R2]

**Approval and Promulgation of Implementation Plans; New York; Oil and Natural Gas Control Measures**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the state of New York. The revision provides the State’s control measures for facilities within its borders subject to EPA’s 2016 Control Techniques Guideline (CTG) for the oil and natural gas industry. The intended effect of this action is to approve this item into the New York SIP and satisfy the requirement for the CTG. This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 26, 2022.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2022–0450. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are

available electronically through <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Omar Hammad, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3347, or by email at [Hammad.Omar@epa.gov](mailto:Hammad.Omar@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA.

**Table of Contents**

- I. Background
- II. Evaluation of Comments
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Background**

On March 21, 2022, New York submitted for approval a SIP revision to incorporate the adoption of Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 200, “General Provisions,” and Part 203, “Oil and Natural Gas Sector,” as adopted on January 18, 2022. Part 200, section 200.9, amends Table 1 to add regulation 203–7.1(a) with a Code of Federal Regulations (CFR) citation of “40 CFR part 60, appendix A–7 (July 1, 2017).” Part 203 sets monitoring, operational, and reporting requirements for the oil and natural gas sector statewide. The adoption of Part 203 is meant to satisfy the requirements to implement EPA’s 2016 Oil and Natural Gas CTG within the 2008 and 2015 ozone nonattainment areas and statewide OTR requirements.

On June 15, 2022 (87 FR 36096, June 15, 2022), the EPA published a Notice of Proposed Rulemaking in which the EPA proposed to approve New York’s Part 200, “General Provisions,” section 200.9 amendment to Table 1 to add regulation 203–7.1(a) with a CFR citation of “40 CFR part 60, appendix A–7 (July 1, 2017).” EPA also proposed to approve Part 203, “Oil and Natural Gas Sector” control measure because it satisfies the 2016 Oil and Natural Gas Industry CTG.

**II. Evaluation of Comments**

In response to the EPA’s June 15, 2022, proposed rulemaking on New York’s SIP revision submittal, the EPA received one comment during the 30-day public comment period. After reviewing the comment, EPA has determined that the comment is outside the scope of our proposed action or fails to identify any material issue necessitating a response. The comment does not raise issues germane to the EPA’s proposed action. For this reason, the EPA will not provide a specific

response to the comment. The specific comment may be viewed under Docket ID Number EPA–R02–OAR–2022–0450 on the <https://www.regulations.gov> website.

**III. Final Action**

EPA is approving New York’s Part 200, “General Provisions,” section 200.9 amendment to Table 1 to add regulation 203–7.1(a) with a CFR citation of “40 CFR part 60, appendix A–7 (July 1, 2017).” EPA is also approving Part 203, “Oil and Natural Gas Sector” control measure, with a State effective date of March 18, 2022, because it satisfies the 2016 Oil and Natural Gas Industry CTG.

**IV. Incorporation by Reference**

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, as discussed in section I of this preamble, the EPA is finalizing the incorporation by reference of Title 6 of the NYCRR Part 203, “Oil and Natural Gas Sector” of the New York Administrative Code that implements New York’s RACT regulations for the oil and gas CTG, including attendant revisions to 6 NYCRR Part 200, “General Provisions,” section 200.9, Table 1, “Referenced material.”

The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](https://www.regulations.gov) and/or at the EPA Region 2 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 rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

**V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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

<sup>1</sup> See 62 FR 27968 (May 22, 1997).

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 Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 382, 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 final rulemaking action, pertaining to New York’s oil and gas sector control measures submission, 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, Intergovernmental relations,

Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

**Lisa Garcia,**  
*Regional Administrator, Region 2.*

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

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

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

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

**Subpart HH—New York**

■ 2. In § 52.1670 amend the table in paragraph (c) by revising the entry “Title 6, Part 200, Subpart 200.9” and adding an entry for “Title 6, Part 203” after the entry for “Title 6, Part 202, Subpart 202–2”, to read as follows:

**§ 52.1670 Identification of plan.**

*	*	*	*	*	*
					(c) EPA approved regulations.

**EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS**

State citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Title 6, Part 200, Subpart 200.9.	General Provisions, Referenced material.	3/18/22	8/25/22	<ul style="list-style-type: none"> <li>• EPA is approving referenced materials that previously were not Federally enforceable.</li> <li>• EPA approval finalized at [INSERT FR CITATION].</li> </ul>
*	*	*	*	*
Title 6, Part 203 .....	Oil and Natural Gas Sector.	3/18/2022	8/25/22	<ul style="list-style-type: none"> <li>• EPA approval finalized at [INSERT FR CITATION].</li> </ul>
*	*	*	*	*

[FR Doc. 2022–18323 Filed 8–24–22; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 207**

[Docket DARS–2022–0001]

**Defense Federal Acquisition Regulation Supplement; Technical Amendment**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** DoD is making a needed technical amendment to update the Defense Federal Acquisition Regulation Supplement (DFARS).

**DATES:** Effective August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, telephone 703–717–8226.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS to add section 207.108 to provide a notice to contracting officers to see DFARS



Procedures, Guidance, and Information (PGI) for additional guidance concerning places of performance.

#### List of Subjects in 48 CFR Part 207

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 207 is amended as follows:

#### PART 207—ACQUISITION PLANNING

■ 1. The authority citation for 48 CFR part 207 continues to read as follows:

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

■ 2. Add section 207.108 to read as follows:

##### 207.108 Additional requirements for telecommuting.

See PGI 207.108 for additional guidance concerning places of performance.

[FR Doc. 2022–18227 Filed 8–24–22; 8:45 am]

BILLING CODE 5001–06–P

#### DEPARTMENT OF DEFENSE

#### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 225, and 252

[Docket DARS–2022–0020]

RIN 0750–AL61

#### Defense Federal Acquisition Regulation Supplement: Employment Transparency Regarding Individuals Who Perform Work in the People’s Republic of China (DFARS Case 2022–D010)

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

**ACTION:** Interim rule.

**SUMMARY:** DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act that requires a disclosure from entities that employ one or more individuals who will perform work in the People’s Republic of China.

**DATES:** Effective August 25, 2022.

Comments on the interim rule should be submitted in writing to the address shown below on or before October 24, 2022, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2022–D010, using any of the following methods:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for “DFARS Case 2022–D010.” Select “Comment” and follow the instructions to submit a comment. Please include your name, company name (if any), and “DFARS Case 2022–D010” on any attached document.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2022–D010 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal 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:** Kimberly Bass, telephone 703–717–3446.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

This interim rule revises the DFARS to implement section 855 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.). Section 855 requires offerors who are covered entities, when submitting a bid or proposal for a covered contract, to disclose their use of workforce and facilities in the People’s Republic of China, if they employ one or more individuals who will perform work in the People’s Republic of China, unless a national security waiver has been granted. A recurring disclosure is also required for fiscal years 2023 and 2024, for contractors that are covered entities and are a party to one or more covered contracts in each fiscal year, if the contractor employs one or more individuals who perform work in the People’s Republic of China on any such contract.

##### II. Discussion and Analysis

###### A. Award Restriction

Unless a waiver has been granted, the statutory restriction on the award, renewal, or extension of a covered contract requires the offeror to provide, at the time of an offer, the disclosures required in the solicitation provision at DFARS 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. The statutory restriction requires contractors to provide the disclosures required in the contract clause at 252.225–7058,

Postaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. Specifically, offerors and contractors that are covered entities are required to disclose their use of workforce and facilities in the People’s Republic of China, if they employ one or more individuals who will perform work in the People’s Republic of China on a covered contract.

###### B. Preaward Disclosure Requirements

This rule adds in the provision at 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China, the requirement for offerors to disclose their use of workforce and facilities in the People’s Republic of China, if the offeror employs one or more individuals who perform work in the People’s Republic of China, unless a national security waiver of the disclosure is granted. The preaward disclosure is required at the time the offeror submits an offer.

###### C. Postaward Disclosure Requirements

The requirement for the postaward disclosures for fiscal years 2023 and 2024 is located in the clause at 252.225–7058, Postaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. These disclosures are required following the contract award for contractors that are covered entities. The postaward disclosures must include the total number of individuals who will perform work in the People’s Republic of China on the covered contracts; and a description of the physical presence of the facility, including the street address, where work on the covered contract will be performed.

###### D. National Security Waiver of Disclosure

The requirement for the national security waiver of disclosure is added at DFARS 225.7021–3. The disclosure requirements may be waived if the senior procurement executive determines in writing that such disclosure would not be in the national security interests of the United States. The waiver authority may not be delegated. A cross-reference is provided to DFARS PGI 225.7021–4(a) to provide guidance on requirements for the senior procurement executive’s determination.

###### E. Definitions

Definitions for “covered contract” and “covered entity” are included at 225.7021–1 as defined in the statute. “Covered contract” is defined as any DoD contract or subcontract with a value in excess of \$5 million and excludes contracts for commercial

items. “Covered entity” is defined as any corporation, company, limited liability, limited partnership, business trust, business association or similar entity, including any subsidiary thereof performing work on a covered contract in the People’s Republic of China.

#### *F. Lists of Laws Not Applicable to Commercial Items*

The statute does not apply to commercial contracts and subcontracts. Accordingly, 10 U.S.C. 4651 note prec. is added to the lists of laws that are not applicable to commercial items at DFARS 212.503, Applicability of certain laws to executive agency contracts for the acquisition of commercial items; and 212.504, Applicability of certain laws to subcontracts for the acquisition of commercial items. At 212.503, paragraph (ix), 107 Stat 1720 (Section 843(a), Pub. L. 103–160), Reporting Requirement Regarding Dealings with Terrorist Countries, is removed, as the statute expired on September 30, 1996.

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

This rule creates a new solicitation provision and contract clause: (1) DFARS 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China; and (2) DFARS 252.225–7058, Postaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. The solicitation provision at DFARS 252.225–7057 is prescribed at DFARS 225.7021–5(a) for use in solicitations that include the clause at DFARS 252.225–7058. The contract clause at DFARS 252.225–7058 is prescribed at DFARS 225.7021–5(b) for use in solicitations and contracts with an estimated value in excess of \$5 million unless a waiver has been granted. Section 855 of the NDAA for FY 2022 applies to covered contracts valued in excess of \$5 million, excluding contracts for commercial products or commercial services. Therefore, DoD is not applying the rule to contracts at or below the SAT or to contracts for the acquisition of commercial services or commercial products, including COTS items.

### **IV. Expected Impact of the Rule**

The contracting officer will be required to insert the new solicitation provision and contract clause in solicitations and resulting contracts with a value in excess of \$5 million,

excluding contracts for commercial items. Contractors will be required to include the clause in subcontracts with a value in excess of \$5 million, excluding subcontracts for commercial items. The offeror’s preaward disclosure is required when the offeror that is a covered entity submits a proposal in response to a solicitation for a covered contract. The solicitation provision requires the offeror to disclose their proposed use of workforce and facilities in the People’s Republic of China, if the offeror employs one or more individuals who will perform work in the People’s Republic of China on a covered contract.

The contractor’s postaward disclosure is also required for fiscal years 2023 and 2024, to disclose if the contractor that is a covered entity employs one or more individuals who perform work in the People’s Republic of China on a covered contract. The disclosure must include the total number of individuals who will perform work in the People’s Republic of China on the contract; and a description of the exact street location of the physical presence in China where the work on the contract will be performed. The postaward disclosure requirements will flow down to subcontracts that meet the definition of “covered contract.”

In order to provide the disclosures, offerors, contractors, and subcontractors will need to maintain records of the information required for the disclosures, ensuring that the information is available when needed.

### **V. Executive Orders 12866 and 13563**

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

### **VI. Congressional Review Act**

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the

Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

### **VII. Regulatory Flexibility Act**

DoD does not expect this interim 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, *et seq.*, because data analysis revealed no impacted small entities. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule is required to implement section 855 of the National Defense Authorization Act (NDAA) for Fiscal Year 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.).

The objective of the rule is implement section 855 of the NDAA for FY 2022 to require offerors when submitting a proposal for a covered contract to disclose their use of workforce and facilities in the People’s Republic of China, if they employ one or more individuals who will perform work in the People’s Republic of China, unless a national security waiver has been granted. A national security waiver may be granted if a determination is made that such disclosure would not be in the interest of national security. Recurring disclosures are required following contract award for contractors that are covered entities for fiscal years 2023 and 2024. The initial and recurring disclosures must include the total number of individuals who will perform work in the People’s Republic of China on the covered contracts and a description of the physical presence of the facility, including the street address, where work on the covered contract will be performed.

Data from the Federal Procurement Data System (FPDS) was analyzed for fiscal years 2019, 2020, and 2021, purchases of supplies or end products and services for which the place of manufacture, place of performance, or country of the product’s origin is China; with a value above \$5 million; and excluding commercial items and commercially available off-the-shelf (COTS) items. The FPDS data revealed no awards that met these criteria.

In addition, a data analysis was performed on the North Atlantic Treaty Organization (NATO) Commercial and Government Entity (NCAGE) codes from the NATO Support and Procurement Agency for entities located in the

People's Republic of China, including Hong Kong. This review revealed a total of 5,143 entities. There were 4,706 entities in the People's Republic of China with NCAGE codes, and 437 entities in Hong Kong with NCAGE codes. This list of NCAGE codes was compared to any People's Republic of China or Hong Kong NCAGE codes from the FPDS data results for a list of contract awards in fiscal years 2019, 2020, and 2021. Similarly, there were no contract awards to any unique entities or small entities meeting the criteria.

There are projected reporting or recordkeeping requirements, and there may be costs to ensure compliance. The contractor's postaward disclosure is required for fiscal years 2023 and 2024, if the contractor that is a covered entity employs one or more individuals who perform work in the People's Republic of China on a covered contract. The disclosure must include the total number of individuals who will perform work in the People's Republic of China on the contract and a description of the exact street location of the physical presence in China where the work on the contract will be performed.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

DoD was unable to identify any other alternatives that would reduce burden on small businesses and still meet the objectives of the statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 610 (DFARS Case 2022–D010), in correspondence.

### VIII. Paperwork Reduction Act

This rule contains information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). This information collection requirement has been assigned OMB Control Number 0750–0005, entitled Defense Federal Acquisition Regulation Supplement (DFARS), Disclosure of Employment of Individuals Who Work in the People's Republic of China. The DFARS rule adds preaward and postaward disclosure requirements.

#### A. Estimate of Public Reporting Burden

Public reporting burden for this collection of information is estimated to average approximately 1 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.

The annual reporting burden estimated as follows:

*Respondents:* 30.

*Responses per respondent:* approximately 1.6.

*Total annual responses:* 50.

*Preparation hours per response:* 1.

*Total response burden hours:* 50.

#### B. Request for Comments Regarding Paperwork Burden

Written comments and recommendations on the proposed information collection, including suggestions for reducing this burden, should be sent to Ms. Susan Minson at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, or email *Susan M. Minson@omb.eop.gov*, with a copy to the Defense Acquisition Regulations System, Attn: Ms. Kimberly Bass, at *osd.dfars@mail.mil*. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the DFARS, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please contact Defense Acquisition Regulations System, Attn: Ms. Kimberly Bass, via email at *osd.dfars@mail.mil*. Include DFARS Case 2022–D010 in the subject line of the message.

### IX. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. Implementation of the disclosure

requirements is urgent, because section 855 of the NDAA for FY 2022 requires DoD to collect preaward disclosures beginning in FY 2022 and postaward disclosures beginning in FY 2023. The disclosures are necessary to mitigate the risk associated with performance of DoD contracts and subcontracts at facilities located in the People's Republic of China. Performance of a contract, whether classified or unclassified, in a nation that is not our ally may provide opportunities for that nation to gather sensitive information. It is a matter of national security to be aware of the entities, contracts, and subcontracts that are exposed to such risks, so that mitigation strategies can be implemented. However, pursuant to 41 U.S.C. 1707 and Federal Acquisition Regulation 1.501–3(b), DoD will consider public comments received in response to this interim rule in the formation of the final rule.

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

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

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

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

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

#### PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 212.503 by revising paragraph (a)(ix) to read as follows:

**212.503 Applicability of certain laws to executive agency contracts for the acquisition of commercial items.**

(a) \* \* \*

(ix) 10 U.S.C. 4651, note prec. (section 855, Pub. L. 117–81), Employment Transparency Regarding Individuals Who Perform Work in the People's Republic of China.

\* \* \* \* \*

■ 3. Amend section 212.504 by—

■ a. Redesignating paragraphs (a)(xvi) and (xvii) as paragraphs (a)(xvii) and (xviii); and

■ b. Adding a new paragraph (a)(xvi) to read as follows:

**212.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.**

(a) \* \* \*

(xvi) 10 U.S.C. 4651, note prec. (section 855, Pub. L. 117–81),

Employment Transparency Regarding Individuals Who Perform Work in the People's Republic of China.

\* \* \* \* \*

## PART 225—FOREIGN ACQUISITION

■ 4. Add sections 225.7021, 225.7021–1, 225.7021–2, 225.7021–3, and 225.7021–4 to subpart 225.70 to read as follows:

\* \* \* \* \*

Sec.

225.7021 Disclosure requirements for employment transparency regarding individuals who perform work in the People's Republic of China.

225.7021–1 Definitions.

225.7021–2 Restrictions.

225.7021–3 National security waiver of disclosure.

225.7021–4 Solicitation provision and contract clause.

\* \* \* \* \*

### 225.7021 Disclosure requirements for employment transparency regarding individuals who perform work in the People's Republic of China.

See PGI 225.7021 for additional procedures regarding disclosures.

#### 225.7021–1 Definitions.

As used in this section—

*Covered contract* means any DoD contract or subcontract with a value in excess of \$5 million, not including contracts for commercial items.

*Covered entity* means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity, including any subsidiary thereof, performing work on a covered contract in the People's Republic of China, including by leasing or owning real property used in the performance of the covered contract in the People's Republic of China.

#### 225.7021–2 Restrictions.

In accordance with section 855 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.), do not award, extend, or exercise an option on a covered contract unless a covered entity has submitted each required disclosure.

#### 225.7021–3 National security waiver of disclosure.

The senior procurement executive (SPE) may waive the disclosure requirements at 225.7021–2 if the SPE determines in writing that such disclosure would not be in the national security interests of the United States. This authority may not be delegated. See PGI 225.7021–3 for procedures and content requirements regarding the SPE's written determination.

#### 225.7021–4 Solicitation provision and contract clause.

(a) Use the provision at 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People's Republic of China, in solicitations that include the clause at 252.225–7058.

(b) Unless a waiver has been granted, use the clause at 252.225–7058, Postaward Disclosure of Employment of Individuals Who Work in the People's Republic of China, in solicitations and contracts with an estimated value in excess of \$5 million.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Add sections 252.225–7057 and 252.225–7058 to read as follows:

### 252.225–7057 Preaward Disclosure of Employment of Individuals Who Work in the People's Republic of China.

As prescribed in 225.7021–4(a), use the following provision:

#### Preaward Disclosure of Employment of Individuals Who Work in the People's Republic of China (Aug 2022)

(a) *Definitions.* As used in this provision—  
*Covered contract* and *covered entity* have the meaning given in the clause 252.225–7058, Postaward Disclosure of Employment of Individuals Who Work in the People's Republic of China.

(b) *Prohibition on award.* In accordance with section 855 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.), DoD may not award a contract to the Offeror if it is a covered entity and proposes to employ one or more individuals who will perform work in the People's Republic of China on a covered contract, unless the Offeror has disclosed its use of workforce and facilities in the People's Republic of China.

(c) *Preaward disclosure requirement.* At the time of submission of an offer for a covered contract, an Offeror that is a covered entity shall provide disclosures to include—

(1) The proposed use of workforce on a covered contract or subcontract, if the Offeror employs one or more individuals who perform work in the People's Republic of China;

(2) The total number of such individuals who will perform work in the People's Republic of China; and

(3) A description of the physical presence, including street address or addresses, in the People's Republic of China, where work on the covered contract will be performed.

(End of provision)

### 252.225–7058 Postaward Disclosure of Employment of Individuals Who Work in the People's Republic of China.

As prescribed in 225.7021–4(b), use the following clause:

### Postaward Disclosure of Employment of Individuals Who Work in The People's Republic of China (Aug 2022)

(a) *Definitions.* As used in this clause—

*Covered contract* means any DoD contract or subcontract with a value in excess of \$5 million, not including contracts for commercial items.

*Covered entity* means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity, including any subsidiary thereof, performing work on a covered contract in the People's Republic of China, including by leasing or owning real property used in the performance of the covered contract in the People's Republic of China.

(b) *Disclosure requirement.* (1) In accordance with section 855 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.), DoD may not award, extend, or exercise an option on a covered contract with a covered entity unless such covered entity submits each required disclosure of its use of workforce and facilities in the People's Republic of China, if it employs one or more individuals who perform work in the People's Republic of China on a covered contract.

(2) If the Contractor is a covered entity, the Contractor shall disclose for the Government's fiscal years 2023 and 2024, the Contractor's employment of one or more individuals who perform work in the People's Republic of China on any covered contract. The disclosures shall include—

(i) The total number of such individuals who perform work in the People's Republic of China on the covered contracts funded by DoD; and

(ii) A description of the physical presence, including street address or addresses in the People's Republic of China, where work on the covered contract is performed.

(c) *Subcontracts.* The Contractor shall insert this clause, including this paragraph (c), without alteration other than to identify the appropriate parties, in all subcontracts that meet the definition of a covered contract.

(End of clause)

[FR Doc. 2022–18226 Filed 8–24–22; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 225, and 252

[Docket DARS–2020–0035]

RIN 0750–AK94

### Defense Federal Acquisition Regulation Supplement: Restriction on Acquisition of Tantalum (DFARS Case 2020–D007)

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

**ACTION:** Final rule.

**SUMMARY:** DoD has adopted as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2020 that prohibits acquisition of tantalum metals and alloys from North Korea, China, Russia, and Iran.

**DATES:** Effective August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Bass, telephone 703-717-3446.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

This final rule finalizes an interim rule that revised the DFARS to implement section 849 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116-92) (10 U.S.C. 2533c). Section 849 adds tantalum to the definition of “covered materials” in 10 U.S.C. 2533c. With some exceptions, 10 U.S.C. 2533c prohibits the acquisition of any covered material melted or produced in any covered country (North Korea, China, Russia, or Iran), or any end item, manufactured in any covered country, that contains a covered material.

DoD published an interim rule in the **Federal Register** at 85 FR 61500 on September 29, 2020, to implement section 849 of the NDAA for FY 2020. Nine respondents submitted public comments in response to the interim rule.

**II. Discussion and Analysis**

DoD reviewed the public comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments is provided, as follows:

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

DoD made the following changes in the interim rule:

1. At DFARS 225.7018-2(c), the applicability of the production phases for tantalum metals and alloys is revised to provide clarity by removing the reference to the inclusion of the reduction of tantalum chemicals such as oxides, chlorides, or potassium salts, to metal powder. A reference to the applicability of tantalum metals of any kind and alloys to the production processing steps includes the reduction or melting of any form of tantalum is also added. Additionally, the paragraph is revised to convey that the restriction includes the subsequent production steps for the reduction or melting of any

form of tantalum to create tantalum metals including unwrought, powder, mill products, and alloys.

2. For consistency with the plain language of the exact statutory text in accordance with section 849 of the NDAA for FY 2020 and 10 U.S.C. 2533c, at DFARS 225.7018-3(c) and DFARS 252.225-7052(c)(1), the phrase “of an end item that is” is replaced with the phrase “of an end item containing a covered material that is”.

3. References to tantalum “metal and alloys” in the definition of covered material in the interim rule are revised to “metals and alloys” in the final rule for consistency with the exact statutory text at 10 U.S.C. 2533c.

*B. Analysis of Public Comments*

1. Strong Support for the Rule

*Comment:* Two respondents strongly supported the interim rule. A respondent noted that the quantity of tantalum going into the defense industry is a manageable quantity and will have a negligible impact on U.S. businesses while affording the U.S. military a protection similarly enjoyed by the People’s Republic of China with respect to tantalum products that are of U.S. origin. A respondent applauded the comprehensive scope of the rule regarding tantalum production, which is necessary to shield DoD weapon systems from unreliable sources.

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

2. Impact on Business

a. Impact on Customers

*Comment:* A respondent commented that this rule will not be a problem. Tantalum going into the U.S. defense industry annually is a perfectly manageable quantity to make sure that Chinese material does not enter the U.S. defense industries final applications. Another respondent commented that this policy would bleed into civilian U.S. manufacturing supply chains. As a result of this rule and other non-conflict material restrictions on tantalum from Africa, there will be insufficient alternative acceptable tantalum units for the U.S. industry in the global market. The respondent further stated this will lead to a higher price, potential raw material shortfalls, and reduced profits and competitiveness for U.S. manufacturers and end products exported.

*Response:* The rule is required to implement section 849 of the NDAA for FY 2020. It is a matter of national security to reduce U.S. dependence on the covered countries specified in 10 U.S.C. 2533c, because tantalum is an

important element in the supply chain for the production of both DoD military systems and nonmilitary systems that DoD uses.

b. Impact on Manufacturers

*Comment:* A respondent stated this rule only focuses on defense applications; the amount of overall tantalum is manageable. Another respondent expects an initial period of higher pricing and supply chain impacts after which the tantalum markets will adjust. One respondent conveyed concerns that damage to competitiveness and efficiency due to the rule could lead to a relocation of manufacturing outside the United States and thereby reduce U.S. strength in critical manufacturing sectors. Members of the respondent’s organization supported a retaliatory approach to China on tantalum policy, while the other half of the members believed it was counterproductive, as it would negatively impact U.S. civilian-use manufacturers and exporters.

*Response:* DoD acknowledges the respondent’s concern with initial impacts to U.S. manufacturers. The implementation of this prohibition is expected to decrease DoD’s dependence on covered materials that originate in covered countries as a matter of national security. Tantalum is an important element in the supply chain for the production of both U.S. military systems and nonmilitary systems that DoD uses.

3. Metals Trade Industry

*Comment:* A respondent stated that they did not see the interim rule affecting the metals trade and metals industry generally, either domestically or internationally. The respondent further stated the price of tantalum will not increase since the amount of tantalum in question is minimal annually. Accordingly, the orders placed would separate defense and commercial consumer applications, will be balanced, and will not negatively impact consumers financially. The respondent also stated that U.S. companies are not allowed to sell tantalum to China and this interim rule is exactly the same.

*Response:* DoD acknowledges the respondent’s position and agrees that the impact of the rule on the metals industry will have minor impacts both domestically and internationally.

4. Broader International Trade

a. Potential Future U.S.-Wide Restriction

*Comment:* A respondent discussed the overall impact of the interim rule on broader international trade and a

potential U.S.-wide restriction on the acquisition of tantalum in the future, from the designated regions or a potential change to consumer purchasing policy. The respondent also stated the importance of ensuring the scope of the rule remained only for tantalum for defense applications, since the defense tantalum market is small and manageable, and it should not be expanded further since U.S. companies do sell tantalum finished products to Chinese customers. The respondent further stated that China does not allow tantalum of U.S. origin.

*Response:* The defense industry consumption of tantalum units is a small portion of the tantalum market with regard to global consumption. This rule is not going to impact the tantalum market as a whole.

#### b. Potential Price Increases for Tantalum in the U.S. Supply Chain

*Comment:* Several respondents discussed the impact on broader international trade as a result of the more restrictive implementation of the statute with regard to the criteria for the exception applicability to the entire end item versus the covered material within the end item. These respondents further stated the interim rule will have negative impacts to international trade, increased administrative burden on industry, and increased costs to the Government. A respondent stated that tantalum prices from non-covered countries have increased and may continue to do so. The respondent further stated the interim rule's applicability to DoD products may increase costs due to manufacturer's dual use of tantalum in the commercial and defense industries and the subsequent requirement for segregation of products to track the defense products in accordance with the statutory requirements.

*Response:* The rule implements section 849 of the NDAA for FY 2020. Since the defense tantalum market is a small portion of the overall global market, DoD anticipates minimal impacts to international trade and minimal increased administrative burden on industry.

### 5. Exception

#### a. Entire End Item and Electronic Device

*Comment:* A few respondents argued that the interim rule incorrectly applied an exception to the prohibition on procurement of covered materials found at 10 U.S.C. 2533c(c)(3). The interim rule provides an exception for end items that are also an electronic device. The respondents argued that this misapplies

the statute, narrows the exception beyond what the statute intended, and makes part of the language of the statute superfluous.

*Response:* DoD does agree that the omission of "containing a covered material" changes the underlying intent or application of the rule. Of note, the restriction in 10 U.S.C. 2533c is modeled on the domestic preference in 10 U.S.C. 2533b, with similar exceptions related to commercially available off-the-shelf (COTS) items and electronic components and devices. Based on the similar construction of these statutes, DoD interprets the exception for "electronic devices" pursuant to DFARS 225.7018-3 to include components embedded in other end items. For example, a missile or munition purchased by DoD may contain tantalum units in a capacitor. The same missile or munition may contain tantalum or tungsten units in an explosively-formed penetrator. The tantalum units embedded in the capacitor would be covered by the "electronic devices" exception, but the tantalum or tungsten units in the explosively-formed penetrator would not be covered by the exception. DoD believes that the application of the exception provided in this example aligns with congressional intent, providing an exception for those products with significant commercial market exposure (e.g., a capacitor) while maintaining coverage for military-unique products (e.g., an explosively-formed penetrator). DoD further addresses the respondents' feedback on these specific aspects of the rule in the category of comments at paragraph 8c, entitled clarification of the rule.

#### b. Prior Melting Production of Tantalum Raw Materials

*Comment:* A respondent asked that the interim rule be amended to clarify that the prohibition on procuring any covered material melted or produced in any covered country applies only to the melting or production of tantalum metals and alloys that immediately precedes delivery to the DoD customer or a supplier's higher-tier contractor customer. Two respondents stated that because tantalum may be melted or produced or re-melted or reproduced multiple times in the supply chain life cycle, the only rational reading of 10 U.S.C. 2533c is to conclude that the most recent melting or manufacture of the covered material prior to transfer to DoD or to a higher-tier contractor customer does not occur in a covered country. In addition, another respondent further stated the interim rule did not contain the phrase "and

melting" with regard to the prohibition of the production of tantalum metal and alloys, including the reduction of tantalum chemicals such as oxides, chlorides, or potassium salts, to metal powder and all subsequent phases of the production of tantalum metal and alloys, such as consolidation of metal powders and melting. The respondent requested the rationale for the omission of "and melting" in the implementation of section 849 of the NDAA for FY 2020 in the interim rule.

*Response:* DoD acknowledges that at the time the interim rule was issued, 10 U.S.C. 2533c was meant to apply to melting or manufacture of the covered material. However, section 844 of the NDAA for FY 2021 (Pub. L. 116-283) passed subsequent to the publication of the interim rule. In section 844, Congress amended 10 U.S.C. 2533c(a)(1) from ". . . procuring any covered material melted or produced in any covered nation. . ." to ". . . procuring any covered material mined, refined, separated, melted or produced in any covered nation. . .". The current rulemaking effort applies only to the changes mandated by section 849 of the NDAA for FY 2020. Section 844 of the NDAA for FY 2021 has an effective date five years after the date of enactment and will be implemented via future rulemaking under DFARS Case 2021-D015. DoD has deleted the reference to "chemicals such as oxides, chlorides, or potassium salts, to metal powder" and simplified the language to include "reduction or melting of any form". DoD has also clarified the final forms of tantalum metals as "including unwrought, powder, mill products, and alloys."

#### c. Tantalum Powder/Raw Materials

*Comment:* A respondent requested that the draft rule be revised to exclude tantalum powder from the definition of "covered material." The respondent argued that Congress did not intend to place restrictions on tantalum powder as neither 10 U.S.C. 2533c nor section 849 of the NDAA for FY 2020 mention tantalum powder specifically, but rather refer to "tantalum metals and alloys."

*Response:* DoD concurs that the statute at 10 U.S.C. 2533c on its face does not include tantalum powder as a covered material. The final rule clarifies that tantalum powder is included in the rule to further explain that tantalum powder is also considered a metal and therefore, tantalum powder also would be restricted. In addition, the rule applies the restriction to cover all subsequent phases of production of tantalum metals and alloys.

## 6. Tantalum Capacitors

*Comment:* A respondent noted that tantalum is a key component of capacitors used in military and commercial applications, and that the United States is dependent on foreign countries, including China, to acquire tantalum and tantalum capacitors. Therefore, any implementation of supply constraints should be considered judiciously to guarantee the availability of tantalum capacitors for U.S. applications.

*Response:* DoD is aware of U.S. dependence on foreign countries to acquire tantalum and tantalum capacitors for military and commercial use. DoD continues to work with allied nations to strengthen this part of the foreign supply chain for strategic and critical materials such as tantalum. Additionally, DoD has mandated programs in place to strengthen the industrial base by funding projects to increase domestic capability to produce products, including strategic and critical materials such as tantalum, for military use.

## 7. Statutory Implementation and Interpretation

*Comment:* A respondent asked that the final rule be revised to correct an error within the interim rule implemented in DFARS clause 252.225–7052, specifically the omission of the 10 U.S.C. 2533c(c)(3) statutory phrase “containing a covered material.” The respondent proposed two options to correct the interim rule. Another respondent stated that the interim rule unreasonably interprets 10 U.S.C. 2533c and “is likely to have a significant impact on acquisitions by the DoD of end items that include high performance, low weight tantalum capacitors.” In summary, the respondent stated the interim rule disregards language that makes the prohibitions and exceptions created by the statute apply to both prime contracts and subcontracts at any tier.

*Response:* As to the respondent’s concerns regarding omission of the 10 U.S.C. 2533c(c)(3) statutory phrase “containing a covered material,” as stated in DFARS 225.7018–5, unless an acquisition of certain magnets, tantalum, and tungsten is completed outside the United States for use outside the United States, or an official nonavailability determination has been made, DFARS clause 252.225–7052, Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten, shall be included in solicitations and contracts, to include Federal Acquisition Regulation (FAR) part 12

commercial item acquisitions, that exceed the simplified acquisition threshold. DFARS 252.225–7052(b)(1) identifies that the restrictions listed apply to the contractor, who “shall not deliver under this contract any covered material melted or produced in any covered country, or any end item, manufactured in any covered country, that contains a covered material (10 U.S.C. 2533c).” Moreover, DFARS 252.225–7052(d) directs the contractor to insert the substance of the clause, including paragraph (d), in subcontracts and other contractual instruments that are for items containing a covered material, including subcontracts and other contractual instruments for commercial products and commercial services, unless an exception in paragraph (c) of this clause applies. Therefore, DFARS clause 252.225–7052 does apply restrictions and exceptions to both contractors and subcontractors.

## 8. Recommended Revisions

### a. One-Time Waiver

*Comment:* A respondent recommended a one-time waiver to address material on hand and in process including alloy already processed. The respondent further stated that manufacturers normally procure tantalum one year in advance for forecasted usage and may purchase multiple years of supply at that time that may contain tantalum from covered countries. The respondent further stated that if the Government does not permit manufacturers to use in-process tantalum from covered countries for military products, the costs to the Government will likely rise in order to compensate manufacturers for the noncompliant tantalum procured prior to the implementation of the prohibition.

*Response:* The interim rule was published on September 29, 2020, implementing section 849 of the NDAA for FY 2020. Implementation of this prohibition was urgent, because decreasing DoD’s dependence on covered materials that originate in covered countries is a matter of national security. Tantalum is an important element in the supply chain for production of both U.S. military systems and nonmilitary systems that DoD uses. A shortage of supply of these covered materials would therefore hinder maintenance and replacement of many DoD military systems and would also have a negative impact on the broader industrial base upon which DoD depends. Section 849 of the NDAA for FY 2020 mandates compliance with this prohibition as implemented in the

interim rule published on September 29, 2020, and in effect on October 1, 2020. In addition, FAR and DFARS changes apply to solicitations issued on or after the effective date of the change unless otherwise specified (see FAR 1.108(d)).

### b. Add Compliance Incentive

*Comment:* A respondent recommended the addition of a compliance incentive for proposals priced with compliant materials versus noncompliant materials for the purposes of proposal evaluations.

*Response:* Section 849 of the NDAA for FY 2020 does not include a compliance incentive requirement for the prohibition; therefore, none is included in the rule.

### c. Clarification of the Rule

*Comment:* Several respondents recommended revisions to clarify the interim rule. A respondent commented that the interim rule is costly to implement and requested the interim rule be modified to clarify that end items supplied to DoD containing a covered material that is an electronic device are excepted from the prohibition.

A respondent also recommended that DoD modify the interim rule at DFARS clause 252.225–7052, paragraph (c)(1) and DFARS 225.7018–3(c). Specifically, the respondent recommended that DoD replace the phrase “an end item that is” with the phrase “a covered material (as an end item or incorporated into an end item) that is.” As an alternative, the respondent further recommended that the phrase “an end item that is” be replaced with language to match the exact statutory text “an end item containing a covered material that is.”

Additionally, a respondent recommended that DoD clarify that DFARS clause 252.225–7052 applies only to the melting and production of tantalum metal and alloys as part of the DoD supply chain and not to prior melting or production or to tantalum raw materials.

Another respondent stated that the prohibition in the interim rule applies with regard to a prime contractor and prohibits contractors from incorporating a COTS item or an electronic device from a subcontractor into an end item delivered to DoD, unless that item is a COTS item or an electronic device. Subsequently, the respondent stated as an example, the rule as implemented prohibits a subcontractor from acquiring a tantalum capacitor made in China, and a prime contractor could not incorporate that capacitor into an end item delivered to DoD. The respondent recommended a revision to the interim

rule at DFARS 225.7018–2 and the clause 252.225–7052, paragraph (a) to clarify that DoD would neither be acquiring a covered material melted or produced in a covered country, nor an end item manufactured in any covered country, that contains a covered material, unless the end item is itself manufactured in a covered country. Another respondent stated that the statute prohibits the Government from procuring “any end item that contains a covered material manufactured in any covered nation, except as provided by the clause 252.225–7052(c).”

A respondent indicated the language of the statute at 10 U.S.C. 2533c states that an end item cannot contain a covered material manufactured in any covered nation; however, the clause 252.225–7052 prohibits a contractor from delivering any end item, manufactured in any covered country, that contains a covered material (10 U.S.C. 2533c). According to the respondent the clause suggests that a contractor may deliver an end item containing covered material so long as that end item is not manufactured in a covered country, creating an inconsistency with the clause and the statute. The respondent recommended a revision to clarify whether the phrase “manufactured in any covered country” modifies “end item” or “covered material.”

The respondents further requested that the interim rule be rewritten to comply with the statute such that the term “electronic device” modifies the term “covered material”, not “end item”, to ensure that in the event an end item contains a covered material and the covered material is an electronic device, the end item will not be subject to the general restriction contained in the draft rule.

*Response:* DoD acknowledges and concurs with the following recommended revision at DFARS clause 252.225–7052, paragraph (c)(1) and 225.7018–3(c): to remove the phrase “of an end item that is” and replace it with the phrase “of an end item containing a covered material that is.” DoD interprets the exception for “electronic devices” pursuant to DFARS 225.7018–3 to include components embedded in other end items and does not see the need to clarify further that end items supplied to DoD containing a covered material that is an electronic device are excepted from the prohibition in accordance with 10 U.S.C. 2533c(c)(3). As the current rulemaking effort applies only to the changes mandated by section 849 of the NDAA for FY 2020, any additional expansion, on the prohibition to clarify that the clause 252.225–7052

applies only to the melting and production of tantalum metals and alloys as part of the DoD supply chain and not to prior melting or production or to tantalum raw materials, would be out of scope.

DoD does not concur with the recommendation to revise DFARS 225.7018–2 and the clause 252.225–7052, paragraph (a), to clarify that unless the end item is itself manufactured in a covered country, DoD would be acquiring neither a covered material melted or produced in a covered country nor an end item manufactured in any covered country that contains a covered material, unless the end item is itself manufactured in a covered country. DoD also does not concur with the recommendation for a revision to clarify whether the phrase “manufactured in any covered country” modifies “end item” or “covered material.” The interim rule as implemented at 225.7018–2(a), in accordance with section 849 of the NDAA for FY 2020 and 10 U.S.C. 2533c, specifically mandates not acquiring any covered material melted or produced in any covered country, or any end item, manufactured in any covered country, that contains a covered material.

#### d. Extension for Comment Due Date

*Comment:* A respondent requested an extension to the comment period for 30 days due to further analysis required and the holiday season.

*Response:* DoD acknowledges the extension request; however, the public comment period was not extended.

#### 9. Outside the Scope of the Rule

*Comment:* A respondent inquired what documentation is required to import tantalum into the United States and proof of origin.

*Response:* This final rule is implementing restrictions on the acquisition of tantalum in accordance with section 849 of the NDAA for FY 2020. Instructions on documentation for importing tantalum and proof of origin are outside the scope of this rule.

#### C. Other Changes

At DFARS 212.505, Applicability of certain laws to contracts for the acquisition of COTS items, paragraph (b) is added to state that paragraph (a)(1) of 10 U.S.C. 2533c is not applicable to contracts and subcontracts for the acquisition of commercially available off-the-shelf items, except as provided at 225.7018–3(c)(1). The previously undesignated paragraph at 212.505 is designated as paragraph (a).

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

This rule amends the clause at DFARS 252.225–7052, Restriction on Acquisition of Certain Magnets, Tantalum, and Tungsten, to implement section 849 of the NDAA for FY 2020. DFARS 252.225–7052 does not apply to acquisitions at or below the simplified acquisition threshold but applies to contracts for the acquisition of commercial items, except as provided in the statute at 10 U.S.C. 2533c(c)(3). Therefore, DoD has signed a determination of applicability to acquisitions of commercial items, except for COTS items to the extent exempted in the statute.

#### IV. Expected Impact of the Rule

This final rule adds tantalum “metals” to the restriction at DFARS 225.7018 and also incorporates the term into the definition of “covered material.” This rule further explains the applicability of the restriction on the production of tantalum metals of any kind and alloys in addition to the reduction or melting of any form of tantalum metal. Moreover, the restriction includes the subsequent production steps for the reduction or melting of any form of tantalum to create tantalum metals including unwrought, powder, mill products, and alloys.

In addition, the rule provides an explanation of the exceptions at DFARS 225.7018–3, paragraph (c)(1)(ii) exception for commercially available off-the-shelf (COTS) items, which is not applicable to a mill product that has not been incorporated into an end item, subsystem, assembly, or component and paragraph (d)(1) meaning of nonavailability of a covered material in the required form. Although 10 U.S.C. 2533c provides that the exception to the restriction on tungsten for COTS items does not apply to a COTS item that is 50 percent or more tungsten by weight, section 849 does not add a similar condition with regard to tantalum metal and alloys.

It is a matter of national security to reduce U.S. dependence on the covered countries in accordance with the section 849 restriction, because tantalum is an important element in the supply chain for production of both U.S. military systems and nonmilitary systems that DoD uses. A shortage of supply of these covered materials would therefore hinder maintenance and replacement of



many DoD military systems and would also have a negative impact on the broader industrial base upon which DoD depends. Implementation of this prohibition will decrease DoD's dependence on covered materials that originate in covered countries in support of national security.

#### V. Executive Orders 12866 and 13563

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

#### VI. Congressional Review Act

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

#### VII. Regulatory Flexibility Act

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

This rule is required to implement section 849 of the National Defense Authorization act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92) (10 U.S.C. 2533c). The objective of the rule is to implement the section 849 prohibition on the acquisition of tantalum metals and alloys from North Korea, China, Russia, or Iran.

There were no significant issues raised by the public comments in response to the initial regulatory flexibility analysis.

This rule will apply to an annual average of approximately 697 small entities. Based on data from the Federal

Procurement Data System for FY 2019, FY 2020, and FY 2021, DoD awarded in the United States 13,204 contracts that exceeded the simplified acquisition threshold of \$250,000 and were for the acquisition of manufactured end products (excluding those categories that could not include tantalum such as clothing and fabrics, books, or lumber products). These contracts were awarded to 3,447 unique entities, of which 2,090 were small entities. It is not known what percentage of these awards involved tantalum, or what lesser percentage might involve tantalum from China, North Korea, Russia, or Iran.

There are no projected reporting or recordkeeping requirements. However, there may be compliance costs to track the origin of covered materials.

DoD is exempting acquisitions equal to or less than the simplified acquisition threshold. DoD was unable to identify any other alternatives that would reduce burden on small businesses and still meet the objectives of the statute.

#### VIII. Paperwork Reduction Act

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

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

Government procurement.

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

Accordingly, the interim rule amending 48 CFR parts 212, 225, and 252, which was published in the **Federal Register** at 85 FR 61500 on September 29, 2020, is adopted as a final rule with the following changes:

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

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

#### PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 212.301 by revising paragraph (f)(x)(FF) to read as follows:

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

(f) \* \* \*

(x) \* \* \*

(FF) Use the clause at 252.225–7052, Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten, as

prescribed in 225.7018–5, to comply with 10 U.S.C. 2533c.

\* \* \* \* \*

■ 3. Amend section 212.505 by—  
■ a. Designating the section text as paragraph (a); and  
■ b. Adding paragraph (b).

The addition reads as follows:

#### 212.505 Applicability of certain laws to contracts for the acquisition of COTS items.

\* \* \* \* \*

(b) Paragraph (a)(1) of 10 U.S.C. 2533c, Prohibition on acquisition of sensitive materials from non-allied foreign nations, is not applicable to contracts and subcontracts for the acquisition of commercially available off-the-shelf items, except as provided at 225.7018–3(c)(1).

#### PART 225—FOREIGN ACQUISITION

##### 225.7018–1 [Amended]

■ 4. Amend section 225.7018–1 in paragraph (3) of the definition of “Covered material” by removing “metal” and adding “metals” in its place.

■ 5. Amend section 225.7018–2 by revising paragraph (c) to read as follows:

##### 225.7018–2 Restriction.

\* \* \* \* \*

(c) For production of tantalum metals of any kind and alloys, this restriction includes the reduction or melting of any form of tantalum to create tantalum metal including unwrought, powder, mill products, and alloys. The restriction also covers all subsequent phases of production of tantalum metals and alloys.

\* \* \* \* \*

##### 225.7018–3 [Amended]

■ 6. Amend section 225.7018–3—

■ a. In the paragraph (c) introductory text, by removing “Of an end item” and adding “Of an end item containing a covered material” in its place; and

■ b. In the paragraph (c)(1) introductory text, by removing “PGI 225.7018–3(c)(1)(i)” and adding “PGI 225.7018–3(c)(1)” in its place.

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 7. Amend section 252.225–7052 by—

■ a. Adding introductory text;

■ b. Revising the clause date;

■ c. In paragraph (a), in paragraph (3) of the definition of “Covered material”, removing “metal” and adding “metals” in its place;

■ d. Revising paragraph (b)(3); and

■ e. In the paragraph (c)(1) introductory text, removing “To an end item” and

adding “To an end item containing a covered material” in its place.

The addition and revisions read as follows:

**252.225–7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten.**

As prescribed in 225.7018–5, use the following clause:

**Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (Aug 2022)**

\* \* \* \* \*

(b) \* \* \*

(3) For production of tantalum metals of any kind and alloys, this restriction includes the reduction or melting of any form of tantalum to create tantalum metal including unwrought, powder, mill products, and alloys. The restriction also covers all subsequent phases of production of tantalum metals and alloys.

\* \* \* \* \*

[FR Doc. 2022–18224 Filed 8–24–22; 8:45 am]

BILLING CODE 5001–06–P

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Chapter 2**

[Docket DARS–2022–0002]

RIN 0750–AK96

**Defense Federal Acquisition Regulation Supplement: Reauthorization and Improvement of Mentor-Protégé Program (DFARS Case 2020–D009)**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2020 that reauthorizes and modifies the DoD Mentor-Protégé Program.

**DATES:** Effective October 24, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jeanette Snyder, 703–508–7524.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD published a proposed rule in the *Federal Register* at 87 FR 11009 on February 28, 2022, to revise the DFARS to implement section 872 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92). Section 872 modifies

subsection (j) of section 831 of the NDAA for FY 1991 (Pub. L. 101–510) to reauthorize and improve the DoD Mentor-Protégé Program. Section 872 extends the date for entering into a mentor-protégé agreement, extends the date for reimbursement of mentors, limits the term for program participation, extends the date for a mentor to receive credit toward the attainment of small business subcontracting goals, and expands eligibility for protégé firms. One respondent submitted a public comment in response to the proposed rule.

**II. Discussion and Analysis**

DoD reviewed the public comment in the development of the final rule. A discussion of the comment follows:

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

No changes were made from the proposed rule as a result of the public comment received.

*B. Analysis of Public Comments*

*Comment:* One respondent indicated a conditional individual waiver(s) to the nonmanufacturing rule should be issued in conjunction with the extended DoD Mentor-Protégé Program through September 30, 2024.

*Response:* This is outside the scope of the rule. Individual waivers to the nonmanufacturer rule are addressed at Federal Acquisition Regulation (FAR) 19.505(c)(4)(B) and 13 CFR 121.1203.

*C. Other Changes*

A change was made at DFARS Appendix I, I–101, Definitions, to delete the definitions for minority institution of higher education, women-owned small business, and service-disabled veteran-owned small business. These terms are already defined in FAR part 2, and the definitions in FAR part 2 apply to the DFARS unless otherwise stated. Minor editorial changes were made at DFARS 219.7101 and 219.7102. No other changes were made from the proposed rule.

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

This rule does not create any new solicitation provisions or contract clauses. It does not impact any existing provisions or clauses or their applicability to contracts at or below the simplified acquisition threshold and acquisitions of commercial services and commercial products, including

commercially available off-the-shelf items.

**IV. Expected Impact of the Rule**

This rule implements section 872 of the NDAA for FY 2020, which reauthorizes and improves the DoD Mentor-Protégé program. The purpose of the program is to provide incentives to major DoD contractors to furnish eligible small business concerns with assistance designed to—

(1) Enhance the capabilities of small business concerns to perform as subcontractors and suppliers under DoD contracts and other contracts and subcontracts; and

(2) Increase the participation of such business concerns as subcontractors and suppliers under DoD contracts, other Federal Government contracts, and commercial contracts.

Therefore, this rule will benefit small business concerns by extending the opportunity to enter into DoD mentor-protégé agreements. In addition, the eligibility of small business concerns is expanded as this rule removes prior restrictions for eligibility by aligning the size of the small business with the size standard associated with its primary North American Industry Classification System code. This rule is also expected to benefit large entities and the Government by expanding the defense industrial base.

**V. Executive Orders 12866 and 13563**

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

**VI. Congressional Review Act**

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take

effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

## VII. Regulatory Flexibility Act

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

This final rule is necessary to implement section 872 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92). The objective of this rule is to implement section 872, which reauthorizes and improves the DoD Mentor-Protégé Program (Program). The authority for entering into new agreements expired on September 30, 2018. This rule extends the date for new mentor-protégé agreements to September 30, 2024. This rule also extends the date for reimbursement of incurred costs under the Program to September 30, 2026, as well as the date for costs to be applied to a mentor's subcontracting plan goals. The eligibility of a small business concern, as related to the Program, is also modified to align with the size standard associated with its primary North American Industry Classification System code.

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

The number of ongoing DoD mentor-protégé agreements in FY 2018 and FY 2019 was 90, four of which expired in FY 2019. No new agreements were entered into in FY 2019 since the authority to enter into agreements expired on September 30, 2018. The number of ongoing agreements in FY 2020 was 86, 29 of which expired. As of June 2021, there were 57 ongoing agreements, 50 new agreements, and 12 expiring agreements, with a total of 95. DoD estimates 66 new agreements will be entered into in FY 2022, 82 in FY 2023, and 98 in FY 2024.

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

DoD did not identify any significant alternatives that would minimize or reduce the impact on small entities. Any impact is expected to be beneficial.

## VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however, these changes to the DFARS do not impose additional information collection requirements to the

paperwork burden previously approved under OMB Control Number 0704–0332.

### List of Subjects in 48 CFR Part 219 and Appendix I to Chapter 2

Government *procurement*.

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

Therefore, 48 CFR part 219 and appendix I to chapter 2 are amended as follows:

#### PART 219—SMALL BUSINESS PROGRAMS

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

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

■ 2. Revise section 219.7100 to read as follows:

##### 219.7100 Scope.

This subpart implements the Pilot Mentor-Protégé Program (referred to as the Program) established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510; 10 U.S.C. 2302 note). The purpose of the Program is to provide incentives for DoD contractors to assist protégé firms in enhancing their capabilities and to increase participation of such firms in Government and commercial contracts.

##### 219.7101 [Amended]

■ 3. Amend section 219.7101 by removing “Appendix I” and adding “appendix I” in its place.

■ 4. Amend section 219.7102 by—

■ a. In paragraph (a), removing “Appendix I” and adding “appendix I” in its place;

■ b. In paragraphs (a) and (b), removing the periods and adding semicolons in their places;

■ c. Redesignating paragraph (c) as paragraph (d);

■ d. Adding a new paragraph (c); and

■ e. Revising newly redesignated paragraphs (d) introductory text and (d)(1)(ii).

The addition and revisions read as follows:

##### 219.7102 General.

\* \* \* \* \*

(c) A preliminary assessment of the protégé firm's cybersecurity readiness. The DoD Office of Small Business Programs (OSBP), Office of the Under Secretary of Defense, Acquisition and Sustainment (OUSD(A&S)), provides this preliminary assessment, which is a benefit of program participation; and

(d) Incentives that DoD may provide to mentor firms, which include—

(1) \* \* \*

(ii) A separate contract, upon written determination by the Director, OSBP, of the cognizant military department or defense agency that unusual circumstances justify reimbursement using a separate contract; or

\* \* \* \* \*

■ 4. Revise section 219.7103–1 to read as follows:

##### 219.7103–1 General.

The procedures for application, acceptance, and participation in the Program are in appendix I, Policy and Procedures for the DoD Pilot Mentor-Protégé Program. The Mentor-Protégé Program Director, OSBP, OUSD(A&S), has the authority to approve contractors as mentor firms. The Director, OSBP, of each military department or defense agency has the authority to approve mentor-protégé agreements and forward approved mentor-protégé agreements to the contracting officer when funding is available.

■ 5. Amend section 219.7103–2 by—

■ a. In the introductory text, removing “must” and adding “shall” in its place;

■ b. Revising paragraphs (d)(1), (e)(3), and (f);

■ c. In paragraph (g), removing “Appendix I” and adding “appendix I” in its place; and

■ d. Revising paragraph (h).

The revisions read as follows:

##### 219.7103–2 Contracting officer responsibilities.

\* \* \* \* \*

(d) \* \* \*

(1) A DoD program manager or the Director, OSBP, of the cognizant military department or defense agency has made funds available for that purpose; and

\* \* \* \* \*

(e) \* \* \*

(3) The Director, OSBP, of the military department or defense agency has made a determination in accordance with 219.7102(d)(1)(ii).

(f) Not authorize reimbursement for costs of assistance furnished to a protégé firm in excess of \$1 million in a fiscal year unless a written determination from the Director, OSBP, of the military department or defense agency is obtained.

\* \* \* \* \*

(h) Provide a copy of the approved mentor-protégé agreement to the Defense Contract Management Agency (DCMA) small business professional responsible for conducting the annual performance review (see appendix I, section I–113).

**219.7104 [Amended]**

■ 6. Amend section 219.7104 in paragraphs (b) and (d) by removing “September 30, 2021” and adding “September 30, 2026” in its place.

**219.7106 [Amended]**

■ 7. Amend section 219.7106 by removing “The Defense Contract Management Agency” and adding “DCMA” in its place.

■ 8. Amend appendix I to chapter 2 by—

■ a. In section I–100—

■ i. Revising paragraph (a) introductory text;

■ ii. In paragraph (c)(1), removing “2 years” and adding “5 years” in its place;

■ iii. Revising paragraph (c)(3); and

■ iv. Adding paragraph (c)(4).

■ b. Revising section I–101.

■ c. In section I–102—

■ i. In paragraph (a)(2)(ii), removing the word “and” at the end of the paragraph;

■ ii. Adding paragraph (a)(2)(iv);

■ iii. Revising paragraph (a)(3);

■ iv. In paragraph (b)(3), removing “Less than half” and adding “Not more than” in its place;

■ v. In paragraph (e), removing “Office of Small Business Programs (OSBP)” and adding “OSBP” in its place;

■ vi. In paragraph (g)(1), removing “pursuant to approved mentor-protégé agreements” and adding “in accordance with the approved mentor-protégé agreement” in its place;

■ vii. In paragraph (g)(3), removing “cognizant Component Director, SBP” and adding “Director, OSBP, of the cognizant military department or defense agency” in its place; and

■ viii. Adding paragraph (h).

■ d. In section I–103—

■ i. In paragraph (a), removing “September 30, 2018” and adding “September 30, 2024” in its place;

■ ii. In paragraph (b) introductory text, removing “prior to September 30, 2021” and adding “through September 30, 2026” in its place; and

■ iii. In paragraph (b)(3), removing “cognizant Component Director, SBP,” and adding “Director, OSBP, of the cognizant military department or defense agency” in its place.

■ e. In section I–104, revising paragraph (c).

■ f. In section I–105, revising paragraphs (a) and (c).

■ g. In section I–106—

■ i. In paragraph (d)(1)(i), removing “marketing” and adding “marketing and technology commercialization, compliance systems” in its place;

■ ii. In paragraph (d)(1)(ii), removing “quality assurance” and adding “quality assurance; acquisition or transfer of

hardware, tooling, or software; and technology transfer and transition” in its place;

■ iii. In paragraph (d)(2), removing “firmunder” and adding “firm under” in its place;

■ iv. In paragraph (d)(4), removing “Subpart” and adding “subpart” in its place; and

■ v. Adding paragraph (g).

■ h. In section I–107—

■ i. In paragraph (a), removing “email” and adding “email” in its place;

■ ii. In paragraph (j), removing “2 years” and adding “5 years” in its place; and

■ iii. Revising paragraph (k).

■ i. In section I–108—

■ i. In paragraph (a) introductory text, removing “DoD component” and adding “military department or defense agency” in its place;

■ ii. In paragraph (a)(5), removing “3 years (Term of agreements may not exceed 5 years)” and adding “2 years (agreements may not exceed 5 years) (see I–107(k))” in its place;

■ iii. In paragraph (a)(6), removing “\$1,000,000” and adding “\$1 million” in its place;

■ iv. In paragraph (b), removing “cognizant DoD components” and adding “the military department or defense agency” in its place;

■ v. In paragraph (c), removing “cognizant Component Director, SBP, prior” and adding “Director, OSBP, of the military department or defense agency prior” in its place;

■ vi. In paragraph (d), removing “cognizant DoD component” and adding “military department or defense agency” in its place;

■ vii. In paragraph (e), removing “component” and “Director, SBP” and adding “military department or defense agency” and “the Director, OSBP” in their places, respectively; and

■ viii. In paragraph (f), removing “cognizant Component Director, SBP,” and adding “Director, OSBP, of the military department or defense agency” in its place.

■ j. In section I–109—

■ i. In the introductory text, removing “agreements” and adding “agreements including agreements that provide for both reimbursement and subcontracting credit” in its place;

■ ii. In paragraph (c), removing “Component Directors, SBP” and adding “Directors, OSBP, of the military departments or defense agencies” in its place; and

■ iii. In paragraph (d), removing “\$1,000,000” and “cognizant Component Director, SBP” wherever they appear and adding “\$1 million” and “Director, OSBP, of the military department or defense agency” in their places, respectively.

■ k. In section I–110, adding introductory text.

■ l. In section I–110.1, at the end of the first sentence in paragraph (a), removing “Plans .” and adding “Plans.” in its place.

■ m. In section I–110.2, paragraphs (a) introductory text, (b) introductory text, and (c), removing “SBP” and adding “OSBP” in its place.

■ n. In section I–111—

■ i. In paragraph (a), removing “cognizant Component Director, SBP,” and “administrative contracting officer” and adding “Director, OSBP, of the cognizant military department or defense agency” and “small business professional” in their places, respectively; and

■ ii. Adding paragraph (f).

■ o. In section I–112.2—

■ i. In paragraph (a)(2)(xii)(A), removing “success assistance” and adding “success developmental assistance” in its place;

■ ii. In paragraph (a)(2)(xii)(B), removing “contracts” and adding “contracts, including but not limited to the transition of innovative technology into a program of record” in its place;

■ iii. In paragraph (a)(4), removing “at: <http://www.acq.osd.mil/osbp/sb/programs/mpp/resources.shtml>” and adding “at <https://business.defense.gov/Programs/Mentor-Protégé-Program/MPP-Resources/>” in its place;

■ iv. In paragraph (b)(2), removing “2 fiscal years” and adding “5 fiscal years” in its place;

■ v. In paragraph (d)(1), removing “cognizant Component Director, SBP,” and adding “Director, OSBP, of the military department or defense agency” in its place;

■ vi. In paragraph (d)(2), removing “cognizant Component Director, SBP,” and adding “Director, OSBP, of the military department or defense agency,” in its place; and

■ p. Revising section I–113.

■ q. Adding an authority citation at the end of the appendix.

The revisions and additions read as follows:

**Appendix I to Chapter 2—Policy and Procedures for the DoD Pilot Mentor-Protégé Program**

*I–100 Purpose*

(a) This appendix implements the Pilot Mentor-Protégé Program (the Program) established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510; 10 U.S.C. 2302 note). The purpose of the Program is to provide incentives to major DoD contractors to furnish eligible small business concerns with assistance designed to—

\* \* \* \* \*

(c) \* \* \*

(3) An increase in protégé participation in DoD science and technology programs; and

(4) An increase in job creation of protégé firms from the date of execution of the mentor-protégé agreement until 5 years after completion of the mentor-protégé agreement.

\* \* \* \* \*

I-101 Definitions

As used in this appendix—

Affiliation means, with respect to a relationship between a mentor firm and a protégé firm, a relationship described under 13 CFR 121.103.

Eligible entity employing the severely disabled means a business entity operated on a for-profit or nonprofit basis that—

(1) Uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

(2) Employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

(3) Employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

(4) Pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

Severely disabled individual means an individual who is blind or severely disabled as defined in 41 U.S.C. 8501.

I-102 Participant Eligibility

(a) \* \* \*

(2) \* \* \*

(iv) Is an other than small business concern, unless approved by the Director of the Office of Small Business Programs (OSBP), Office of the Under Secretary of Defense, Acquisition and Sustainment (OUSD(A&S)), in accordance with 13 CFR 121.103 regarding "affiliation and relationship"; and

(3) Be capable of imparting value to a protégé firm because of experience gained as a DoD contractor or through knowledge of general business operations and Government contracting, as demonstrated by evidence that such entity—

(i) Received DoD contracts and subcontracts equal to or greater than \$100 million during the previous fiscal year;

(ii) Is a prime contractor to DoD with an active subcontracting plan; or

(iii) Has graduated from the 8(a) Business Development Program and provides documentation of its ability to serve as a mentor.

\* \* \* \* \*

(h) Within 30 days of any change in status affecting eligibility, mentors and protégés must give notice and explanation of pertinent facts to each other, the Director of OSBP, OUSD(A&S), and the Director, OSBP, of the military department or defense agency.

\* \* \* \* \*

I-104 Selection of Protégé Firms

\* \* \* \* \*

(c) Any interested party may file a protest of the selection of a protégé firm directly with the Director, OSBP, OUSD(A&S) or the Director, OSBP, of the cognizant military department or defense agency. In the event of a protest regarding the size or status of an entity selected to be a protégé firm, the Director, OSBP, OUSD(A&S), or the Director, OSBP, of the military department or defense agency must refer the protest to the SBA to resolve in accordance with 13 CFR part 121 (with respect to size) or other parts of title 13 of the CFR or this appendix (with respect to the protégé's socioeconomic status). The Director, OSBP, OUSD(A&S), or the Director, OSBP, of the military department or defense agency shall decide protests concerning all other aspects of a protégé's eligibility for the Program (e.g., nontraditional defense contractor or entity employing the severely disabled).

\* \* \* \* \*

I-105 Mentor Approval Process

(a) An entity seeking to participate as a mentor must apply to the Mentor-Protégé Program Director, OSBP, OUSD(A&S), to establish its initial eligibility as a mentor.

\* \* \* \* \*

(c) A template of the mentor application is available at <https://business.defense.gov/Programs/Mentor-Protégé-Program/MPP-Resources/>.

\* \* \* \* \*

I-106 Development of Mentor-Protégé Agreements

\* \* \* \* \*

(g) The agreement shall demonstrate, through its execution, how it will contribute to the overall mission of DoD and/or fill or address an identified critical gap or vulnerability. Focus areas include, but are not limited to, manufacturing, research and development, and knowledge-based services.

I-107 Elements of a Mentor-Protégé Agreement

\* \* \* \* \*

(k) A program participation term for the agreement that does not exceed 2 years. Requests for an extension of the agreement for a period not to exceed an additional 3 years are subject to the approval of the Director, OSBP, of the cognizant military department or defense agency. The justification must detail the unusual circumstances that warrant a term in excess of 2 years;

\* \* \* \* \*

I-110 Credit Agreements

Sections I-110.1 and I-110.2 apply to all credit agreements, including agreements that provide for both credit and reimbursement.

\* \* \* \* \*

I-111 Agreement Terminations

\* \* \* \* \*

(f) The Director, OSBP, OUSD(A&S) or the Director, OSBP, of the military department or defense agency is authorized to terminate the mentor-protégé agreement for the convenience of the Government (to include national security grounds, funding limits,

statutory requirements, or other considerations), as well as for cause upon written findings (e.g., either of the participants' failure to perform or provide adequate assurance of performance; failure to comply with laws, regulations, and policies; conflicts of interest; or default under any provisions of a DoD contract or agreement).

\* \* \* \* \*

I-113 Performance Reviews

DCMA will conduct annual performance reviews of the progress and accomplishments realized under approved mentor-protégé agreements. These reviews must verify data provided on the semiannual reports and must provide information as to—

(a) Whether all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protégé in accordance with the mentor-protégé agreement and applicable regulations and procedures; and

(b) Whether the mentor and protégé accurately reported progress made by the protégé in employment, revenues, and participation in DoD contracts during the Program participation term and for 5 fiscal years following the expiration of the Program participation term.

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

[FR Doc. 2022-18225 Filed 8-24-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220325-0079; RTID 0648-XC261]

Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: This notice document announces additional season dates and increases the daily bag limit for some Pacific halibut recreational fisheries in the International Pacific Halibut Commission's (IPHC) regulatory Area 2A off Washington, Oregon, and California. Specifically, this action adds season dates such that the Oregon Central Coast subarea will be open 7 days per week starting September 1, and increases the daily bag limit from one to two fish starting September 1 in the Oregon Central and Southern Coast subareas. This action also provides notice of the closure of the California

subarea on August 7, 2022 that was announced by the IPHC on August 5, 2022. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

**DATES:**

*Effective date:* This action is effective August 23, 2022, through October 31, 2022.

*Comments due date:* Submit comments on or before September 9, 2022.

**ADDRESSES:** Submit your comments, identified by NOAA–NMFS–2022–0003, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2022–0003 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Scott M. Rumsey, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

*Instructions:* NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

*Docket:* This rule is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov/>. Background information and documents are available at the NOAA Fisheries website at <https://www.fisheries.noaa.gov/action/2022-pacific-halibut-catch-sharing-plan> and at the Council’s website at <http://www.pcouncil.org>. Other comments received may be accessed through [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

Joshua Lindsay, phone: 562–980–4034, fax: 562–980–4018, or email: [joshua.lindsay@noaa.gov](mailto:joshua.lindsay@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On April 1, 2022, NMFS published a final rule approving changes to the Pacific halibut Area 2A Catch Sharing Plan and implementing recreational (sport) management measures for 2022 (87 FR 19007), as authorized by the Northern

Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The 2022 Catch Sharing Plan provides a recommended framework for NMFS’ annual management measures and subarea allocations based on the 2022 Area 2A Pacific halibut catch limit of 1,490,000 pounds (lb) (675.9 metric tons (mt)) set by the International Pacific Halibut Commission (IPHC). These Pacific halibut management measures include recreational fishery season dates and subarea allocations.

Federal regulations at 50 CFR 300.63(c), “Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A,” allow the NMFS’ Regional Administrator to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify sport (recreational) fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit.

NMFS has determined that, due to continued lower than expected landings in portions of Oregon, inseason action to modify the 2022 annual regulations for the recreational fishery is warranted at this time to provide additional opportunity for fishery participations to achieve the Area 2A allocations as published in the final rule (87 FR 19007; April 1, 2022). As stated above, inseason modification of the fishing season is authorized by Federal regulations at 50 CFR 300.63(c). After consulting with representatives of the IPHC, the Pacific Fishery Management Council, and the Oregon Department of Fish and Wildlife (ODFW), NMFS determined the following inseason action is necessary to meet the management objective of attaining the various state and subarea allocations, has little risk of the subarea or coastwide allocation being exceeded from this action, and is consistent with the inseason management provisions allowing for the modification of sport fishing periods and sport fishing days per calendar week. Notice of these additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

In addition, the recreational (sport) management measures for 2022 (87 FR 19007; April 1, 2022) for the California Coast subarea state that the fishery is open May 1 through November 15, or until the subarea allocation is estimated to have been taken and the season is therefore closed, whichever is earlier. The California subarea allocation was estimated to have been taken on August 7, 2022, and therefore the fishery closed.

Closure of the California subarea was announced by the IPHC on August 5, 2022.

**Inseason Action****Oregon Central Coast Subarea**

*Description of the action:* This inseason action implements additional dates for summer all-depth fishing in the Oregon Central Coast subarea, and increases the daily bag limit from one to two fish for the Oregon Central and Southern Coast subareas during the 2022 recreational fishery.

*Reason for the action:* The purpose of this inseason action is to provide additional opportunity for anglers in the Oregon Central Coast subarea by setting open season dates 7 days per week beginning September 1 through October 31. The fishery is currently scheduled to be open every Thursday through Saturday starting August 4. This action also allows for additional opportunity for anglers to retain up to two Pacific halibut per person per day in the Oregon Central and Southern Coast subareas beginning September 1. NMFS has determined that these additional dates and increased bag limit are warranted due to lower than expected landings through August 2022, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. As of August 10, anglers in the Oregon Central Coast subarea have harvested 129,155 lb (58.58 mt) of the 269,782 lb (122.37 mt) allocation (48 percent), leaving 140,627 lb (63.79 mt) remaining (52 percent of the subarea allocation). This is a result of poor weather and ocean conditions preventing anglers from safely participating in the recreational fishery off the coast of Oregon. After 163,231 lb (74.04 mt) of the subarea allocation went unharvested in 2021, NMFS included more season days in 2022 compared to 2021. NMFS previously published an inseason action on August 5, 2022 (87 FR 47944) to add additional fishing dates in this subarea. However, catch information to date shows that even with the increased fishing dates provided for in the final rule and inseason action, participants in the fishery are unlikely to harvest the full subarea allocation. Without the additional fishing days and increased bag limit in this action, there is likely to be substantial unharvested allocation in this subarea.

Notice of these additional dates will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

## California Subarea

*Description of the action:* This inseason action provides notice of closure for the recreational fishery in the California subarea, effective Sunday, August 7 at 11:59 p.m..

*Reason for the action:* On August 3, 2022, NMFS received catch information indicating that the catch amount for the recreational Pacific halibut fishery off of California was projected to be 35,553 lb (16.13 mt); out of an allocation of 38,740 lb (17.57 mt), with 3,187 lb (1.45 mt) remaining. Weekly catch amounts have averaged 4,013 lb (1.82 mt) in 2022, which includes an outlying week of high catch. When this week is removed, the average catch per week is 3,247 lb (1.47 mt). Therefore, NMFS estimated that the subarea allocation would be attained by August 7, 2022, triggering the closure of the fishery. IPHC issued a media release on August 5, 2022, notifying the public of the closure on August 7. This inseason is providing notice that the recreational fishery off of the California coast is closed.

Weekly catch monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient allocation for another full day of fishing, and the area is closed by the IPHC, or the season closes for Oregon on October 31, whichever is earlier.

## Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(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. ODFW provided updated landings data to NMFS on August 4, 2022, showing that the fishery participants in the recreational fishery off of the Oregon Central Coast had only caught 47 percent of the subarea allocation. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2022 is substantially lower than anticipated when the 2022 final rule setting the 2022 recreational fishery season dates was developed. This action should be

implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery in Oregon closes on October 31, 2022, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, a significant portion of the Oregon subarea allocations are unlikely to be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan and the 2022 management measures. It is necessary that this rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational fisheries in the Oregon subarea, indicating additional dates and an increased bag limit should be added to the fishery to ensure optimal and sustainable harvest of the subarea

allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of the recreational Pacific halibut fishery to be met.

Dated: August 22, 2022.

**Jennifer M. Wallace,**

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

[FR Doc. 2022–18390 Filed 8–23–22; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 220510–0113; RTID 0648–XC210]

#### **Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Actions #26 Through #33**

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

**ACTION:** Inseason modification of 2022 management measures.

**SUMMARY:** NMFS announces eight inseason actions in the 2022 ocean salmon fisheries. These inseason actions modify the recreational, commercial, and treaty Indian salmon fisheries in the area from the U.S./Canada border to Cape Falcon, Oregon.

**DATES:** The effective dates for the inseason actions are set out in this document under the heading Inseason Actions and the actions remain in effect until superseded or modified.

**FOR FURTHER INFORMATION CONTACT:** Shannon Penna at 562–980–4239, Email: [Shannon.Penna@noaa.gov](mailto:Shannon.Penna@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The 2022 annual management measures for ocean salmon fisheries (87 FR 29690; May 16, 2022), announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2022, until the effective date of the 2023 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary

to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: north of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR), and south of Cape Falcon (SOF) (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affect the NOF commercial and recreational salmon fisheries, as set out under the heading Inseason Action below.

Consultations with the Council Chairperson on these inseason actions occurred on July 13, 2022, and July 19, 2022. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Wildlife (CDFW) and Council staff participated in these consultations. Members of the Salmon Advisory Subpanel and Salmon Technical Team (STT) were also present on the calls.

These inseason actions were announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on the date of the consultations (50 CFR 660.411(a)(2)).

### Inseason Actions

#### *Inseason Action #26*

*Description of the action:* Inseason action #26 modifies the recreational salmon fishery from Cape Alava to the Queets River (La Push subarea), starting at 12:01 a.m. on Saturday, July 16, 2022, the daily bag limit is two salmon, Chinook salmon retention prohibited. All coho salmon must be marked with a healed adipose fin clip.

*Effective date:* Inseason action #26 took effect on July 16, 2022, and remains in effect until July 24, 2022, at 11:59 p.m.

*Reason and authorization for the action:* Due to larger than expected Chinook salmon catch, inseason action #26 was necessary to reduce Chinook salmon catch to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline for this area and maximizing catch of the available coho salmon quota. Cape Alava to the Queets River (La Push subarea) opened with a coho salmon quota of 4,370 and a Chinook salmon

guideline of 1,120. Through July 10, 2022, 333 coho salmon (8 percent of the subarea quota) and 287 Chinook salmon (26 percent of the subarea guideline) were caught in the La Push subarea.

The NMFS West Coast Regional Administrator (RA) considered the landings of Chinook and coho salmon to date and projected catches, fishery effort occurring to date and projected effort, quotas and guidelines set preseason, and the recreational Chinook salmon guideline remaining. The RA determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the La Push subarea in order to meet management goals set preseason, including the Pacific Coast Salmon Fishery Management Plan objective to extend the fishing season through Labor Day weekend if feasible and consistent with the available quota. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #27*

*Description of the action:* Inseason action #27 modifies the recreational salmon fishery from Cape Alava to the Queets River (La Push subarea). Starting at 12:01 a.m. on July 25, 2022, the daily bag limit is two salmon, only one of which may be a Chinook salmon. All coho salmon must be marked with a healed adipose fin clip. Chum salmon retention is prohibited beginning August 1, 2022.

*Effective date:* Inseason action #27 took effect on July 25, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* Due to larger than expected Chinook salmon catch, inseason action #27 was necessary to manage Chinook salmon catch to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline and maximizing catch of the available coho salmon quota. Cape Alava to the Queets River (La Push subarea) opened with a coho salmon quota of 4,370 and a Chinook salmon guideline of 1,120. Through July 10, 2022, 333 coho salmon (8 percent of the subarea quota) and 287 Chinook salmon (26 percent of the subarea guideline) were caught in the La Push subarea. These adjustments ensured that sufficient Chinook salmon guideline in the area from Cape Alava to the Queets River (La Push subarea) was available to extend the recreational salmon season.

The RA considered the landings of Chinook and coho salmon to date and projected catches, fishery effort occurring to date and projected effort, quotas and guidelines set preseason, and the recreational Chinook salmon

guideline remaining. The RA determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the La Push subarea in order to meet management goals set preseason. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #28*

*Description of the action:* Inseason action #28 modifies the recreational salmon fishery; starting at 12:01 a.m. on July 16, 2022, the area from Leadbetter Point to Cape Falcon, OR (Columbia River subarea North of 46°15' N and East of 124°08'40" W), is closed.

*Effective date:* Inseason action #28 took effect on July 16, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* Due to larger than expected Chinook salmon catch, inseason action was necessary to limit recreational fishing in the area from Leadbetter Point to Cape Falcon (Columbia River subarea) to slow down Chinook salmon catch to ensure that sufficient quota remains to access coho salmon and preserve the length of the season while avoiding exceedance of the Chinook salmon guideline. This subarea opened with a coho salmon quota of 84,000 and a Chinook salmon guideline of 7,700. Through July 10, 2022, 6,761 coho salmon were caught (8 percent of the subarea quota) and 2,265 Chinook salmon were caught (29 percent of the subarea guideline).

The RA considered the landings of Chinook and coho salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas and guidelines set preseason and determined that this inseason action was necessary to extend the recreational salmon season in this area in order to meet management goals set preseason. Inseason actions to modify boundaries, including landing boundaries, and establishment of closed areas is authorized under 50 CFR 660.409(b)(1)(v).

#### *Inseason Action #29*

*Description of the action:* Inseason action #29 modifies the landing and possession limit for the commercial salmon troll fishery across the entire north of Cape Falcon area, regardless of subarea, to 30 Chinook salmon per vessel per landing week (Thursday through Wednesday).

*Effective date:* Inseason action took effect on July 21, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #29 was necessary to slow the rate of Chinook



salmon catch in order to preserve the length of the season by setting a lower landing and possession limit. The RA considered the landings of Chinook salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set pre-season and determined that this in-season action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery dependent community by preserving season length. The modification of commercial landing and possession limits is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #30*

*Description of the action:* Inseason action #30 modifies the recreational salmon fishery from the Queets River to Leadbetter Point (Westport subarea). The daily bag limit is two salmon per day, Chinook salmon retention prohibited on Fridays and Saturdays. Sunday through Thursday, the daily bag limit allows one of the two salmon to be a Chinook salmon.

*Effective date:* Inseason action took effect on July 22, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* Chinook salmon catch rates have been higher than anticipated pre-season. This inseason action was necessary to slow down the Chinook salmon catch in order to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline. For the week of July 11, 2022, through July 17, 2022, for the area from the Queets River to Leadbetter Point (Westport subarea), 1,424 Chinook salmon were landed, bringing the cumulative total to 4,145 Chinook salmon (34 percent of the guideline). In addition, 1,736 coho salmon were landed, bringing the cumulative total to 3,851 coho salmon (6 percent of the quota).

The RA determined that this inseason was necessary to remain within the available recreational Chinook salmon guideline in the Westport subarea in order to meet management goals set pre-season including the Pacific Coast Salmon Fishery Management Plan objective to extend the fishing season through Labor Day weekend if feasible and consistent with the available quota. The modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #31*

*Description of the action:* Inseason action #31 modifies the tribal salmon troll fishery for the Makah Tribe. Effective 11:59 p.m. on, July 24, 2022, Area 3 north of 48°02'15" N. (Norwegian

Memorial) and Areas 4, 4A, and 4B, the fishery is closed until further notice.

*Effective dates:* Inseason action #31 took effect on July 24, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* The Makah Tribe found that it was necessary to close the fishery in order to assess Chinook and coho salmon catches to date and develop a plan for reopening the tribal fishery for the remainder of the season in order to stay within the pre-season treaty tribal troll quota and preserve season length. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need to close the fishery. The RA concurred with the closure. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #32*

*Description of the action:* Inseason action #32 modifies the July–September sub-quota for the treaty Indian salmon fishery north of Cape Falcon that was set pre-season at 20,000 Chinook salmon, to 34,547 Chinook salmon through an impact-neutral rollover of unused May–June sub-quota.

*Effective dates:* Inseason action #32 took effect on July 1, 2022, and remains in effect until the end of the 2022 treaty Indian salmon season on September 15, 2022, at 11:59 p.m.

*Reason and authorization for the action:* The tribal fisheries reported a remaining catch of 14,457 Chinook salmon from the May–June fishery sub-quota of 20,000 Chinook. The STT determined the overage could be rolled over to the July–September fishery on an impact-neutral basis resulting in a new Chinook salmon sub-quota for the July–September period of 34,547. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need for modification of the July–September quota. The RA concurred with the quota modification. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #33*

*Description of the action:* Inseason action #33 modifies the tribal salmon troll fishery for the Makah Tribe. Effective 11:59 p.m. on Tuesday, July 26, until the end of the management period (September 15, 2022), Area 3 north of 48°02'15" N. (Norwegian Memorial) and Areas 4, 4A, and 4B, are open. The landing limit is not to exceed 300 Chinook salmon per vessel per calendar week (12:01 a.m. Sunday–11:59 p.m. Saturday). After August 1, release all chum.

*Effective dates:* Inseason action was effective on July 26, 2022, and will

remain in effect until September 15, 2022, at 11:59 p.m.

*Reason and authorization for the action:* The Makah Tribe evaluated the catch and landings and determined that implementing a landing limit to 300 Chinook salmon per vessel per calendar week would slow down the Chinook salmon catch while still allowing access to coho salmon for the remainder of the season. The Makah Tribe notified staff from NMFS, Council, and WDFW of the need to open the fishery and the regulatory provisions adopted. The RA concurred with the season modification. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other management measures remain in effect as announced for the 2022 ocean salmon fisheries (87 FR 29690; May 16, 2022), as modified by previous inseason actions (87 FR 41260, July 12, 2022; 87 FR 49534, August 11).

The RA determined that these inseason actions were warranted based on the best available information on Pacific salmon abundance forecasts, landings to date, anticipated fishery effort and projected catch, and the other factors and considerations set forth in 50 CFR 660.409. The states and tribes manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone (3–200 nautical miles (5.6–370.4 kilometers)) off the coasts of the states of Washington, Oregon, and California) consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

#### **Classification**

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and are exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(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. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time

Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific information available and that fishery participants can take advantage of the additional fishing opportunity these changes provide. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (87 FR 29690; May 16, 2022), the Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would restrict fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: August 22, 2022.

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

[FR Doc. 2022–18344 Filed 8–24–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 220223–0054; RTID 0648–XC285]

#### Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting retention of “other rockfish” in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2022 “other rockfish” total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI has been reached.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), August 23, 2022, through 2400 hours, A.l.t., December 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907–586–7228.

**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 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI is 394 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626; March 2, 2022). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2022 “other rockfish” TAC in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that “other rockfish” in the Aleutian Islands subarea of the BSAI be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except “other rockfish” species in the Aleutian Islands subarea caught by catcher vessels using

hook-and-line, pot, or jig gear as described in § 679.20(j).

#### Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of “other rockfish” in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 22, 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 22, 2022.

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

[FR Doc. 2022–18384 Filed 8–23–22; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register

Vol. 87, No. 164

Thursday, August 25, 2022

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2022-1007; Airspace Docket No. 22-ACE-17]

RIN 2120-AA66

#### Proposed Amendment of Class E Airspace; Independence and Pittsburg, KS

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace at Independence and Pittsburg, KS. The FAA is proposing this action as the result of an airspace review as part of the decommissioning of the Oswego very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The geographic coordinates of the airports would also be updated to coincide with the FAA's aeronautical database.

**DATES:** Comments must be received on or before October 11, 2022.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-9826, or (800) 647-5527. You must identify FAA Docket No. FAA-2022-1007/Airspace Docket No. 22-ACE-17 at the beginning of your comments. You may also submit comments through the internet at [www.regulations.gov](http://www.regulations.gov). You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed

online at [www.faa.gov/air\\_traffic/publications/](http://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 would amend the Class E airspace extending upward from 700 feet above the surface at Independence Municipal Airport, Independence, KS, and Atkinson Municipal Airport, Pittsburg, KS, to support instrument flight rule operations at these airports.

##### Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped

postcard on which the following statement is made: "Comments to Docket No. FAA-2022-1007/Airspace Docket No. 22-ACE-17." The postcard will be date/time stamped and returned to the commenter.

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

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the "ADDRESSES" section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

##### Availability and Summary of Documents for Incorporation by Reference

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

##### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Amending the Class E airspace extending upward from 700 feet above the surface within a 6.6-mile (decreased

from a 7.6-mile) radius of Independence Municipal Airport, Independence, KS; and updating geographic coordinates of the airport to coincide with the FAA's aeronautical database;

And amending the Class E airspace extending upward from 700 feet above the surface at Atkinson Municipal Airport, Pittsburgh, KS, by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removing the city associated with the airport in the header of the airspace legal description to comply with FAA Order JO 7400.2N, Procedures for Handling Airspace Matters.

This action is necessary due to an airspace review as part of the decommissioning of the Oswego VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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

#### Regulatory Notices and Analyses

The FAA has determined that this 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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

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

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

#### § 71.1 [Amended]

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

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

\* \* \* \* \*

#### ACE KS E5 Independence, KS [Amended]

Independence Municipal Airport, KS  
(Lat. 37°09'29" N, long. 95°46'44" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Independence Municipal Airport.

\* \* \* \* \*

#### ACE KS E5 Pittsburg, KS [Amended]

Atkinson Municipal Airport, KS  
(Lat. 37°27'00" N, long. 94°43'52" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Atkinson Municipal Airport.

Issued in Fort Worth, Texas, on August 22, 2022.

**Martin A. Skinner,**

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

[FR Doc. 2022–18319 Filed 8–24–22; 8:45 am]

BILLING CODE 4910–13–P

# Notices

Federal Register

Vol. 87, No. 164

Thursday, August 25, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of a Public Meeting of the Maine Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of a public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that the Maine Advisory Committee to the Commission will hold a virtual meeting for project planning on Thursday, October 13, 2022, at 12:00 p.m. (ET).

**DATES:** Thursday, October 13, 2022, at 12:00 p.m. (ET)

Public Web Conference Registration  
Link (video and audio): <https://tinyurl.com/3b4tmku3>; password, if needed: USCCR-ME

If Joining by Phone Only, Dial: 1-551-285-1373; Meeting ID: 160 500 3847#

**FOR FURTHER INFORMATION CONTACT:**  
Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov).

**SUPPLEMENTARY INFORMATION:** These meetings are available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided for these meetings.

Members of the public are entitled to make comments during the open period at the end of the meetings. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to

Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (202) 539-8246. Records and documents discussed during the meetings will be available for public viewing as they become available at [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Regional Programs Unit at the above phone number or email address.

### Agenda

Thursday, October 13, 2022, at 12 p.m. ET

- I. Welcome & Roll Call
- II. Approval of Minutes: September 8, 2022
- III. Administrative Announcements
- IV. Discussion: Project Proposal & Next Steps
- V. Public Comment
- VI. Adjournment

Dated: August 22, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-18363 Filed 8-24-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Scope Rulings

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

**DATES:** Applicable August 25, 2022.

**SUMMARY:** The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anti-circumvention determinations made during the period April 1, 2022–June 30, 2022. We intend to publish future lists after the close of the next calendar quarter.

**FOR FURTHER INFORMATION CONTACT:** Marcia E. Short, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-1560.

**SUPPLEMENTARY INFORMATION:**

#### Background

Commerce's regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly

basis.<sup>1</sup> Our most recent notification of scope rulings was published on May 25, 2022.<sup>2</sup> This current notice covers all scope rulings and circumvention determinations made by Enforcement and Compliance between April 1, 2022–June 30, 2022.

### Scope Rulings Made April 1, 2022 Through June 30, 2022

#### Canada

A-122-857 and C-122-858: Softwood Lumber From Canada

*Requestor:* Valley Cedar 2 Inc. Western red cedar shingles produced and exported by Valley Cedar to its U.S. affiliate, Cedar Valley Manufacturing Inc. are not covered the scope of the antidumping duty (AD) and countervailing duty (CVD) orders after consideration of the additional factors specified in 19 CFR 351.225(k)(2); May 12, 2022.

#### People's Republic of China (China)

A-570-922 and C-570-923: Raw Flexible Magnets From China

*Requestor:* REHAU Industries, LLC (REHAU). Polyvinyl chloride (PVC) door gaskets, which contain a pocket that encases a raw flexible magnetic band are not covered by the scope of the AD and CVD orders on certain flexible magnets from China because the magnetic band is not permanently affixed to the PVC gasket by an adhesive, heat process, or pressure and, thus, the PVC door gaskets do not constitute flexible magnets described in the scope that are bonded or limited to other material; April 4, 2022.

A-570-106 and C-570-107: Wooden Cabinets and Vanities and Components Thereof From China

*Requestor:* Walt Disney Parks & Resorts U.S. Inc. Two beverage stations are not covered by the scope of the AD order on wooden cabinets and vanities and components thereof from China because these beverage centers are not for permanent installation; May 2, 2022.

A-570-042 and C-570-043: Stainless Steel Sheet and Strip From China

*Requestor:* Hans-Mill Corporation. Hans-Mill's stainless steel trash can bodies, whether shipped by themselves

<sup>1</sup> See 19 CFR 351.225(o).

<sup>2</sup> See *Notice of Scope Rulings*, 87 FR 31859 (May 25, 2022).

or with other components, are covered by the scope of the AD and CVD orders on stainless steel sheet and strip (SSSS) from China because they meet all physical specifications of subject merchandise and do not fall within any exclusion. Moreover, they are further processed in a manner that does not change the physical characteristics such that the product is part of a class or kind of merchandise distinct from SSSS subject to the orders; May 9, 2022.

A-570-117 and C-570-118: Wood Mouldings and Millwork Products From China

*Requestor:* Loveday Lumber Company, Inc. Lengthwise sawn (LWS) scarf-jointed wood reveal strips and LWS scarf-jointed wood squares are not covered by the scope of the AD order on wood mouldings and millwork products from China because they are not continuously shaped wood or finger-jointed or edge-glued mouldings or millwork blanks; May 16, 2022.

A-570-010 and C-570-011: Crystalline Silicon Photovoltaic Products From China

*Requestor:* HT Solar Enerji AS. HT Solar Enerji AS's cells and modules produced in Turkey from wafers sourced globally (e.g., China, Korea, Malaysia, and Vietnam) do not fall within the scope of the AD and CVD orders on crystalline silicon photovoltaic products from China; June 15, 2022.

A-570-133 and C-570-134: Certain Metal Lockers and Parts Thereof From China

*Requestor:* Hornady Manufacturing Co. (Hornady). RAPiD Safe Ready Vaults imported by Hornady are covered by the AD and CVD orders on certain metal lockers and parts thereof (lockers) from China because they meet the physical specifications of merchandise expressly covered by the scope and do not meet all requirements necessary to qualify for either the gun safe exclusion or the safe exclusion explicitly enumerated in the scope language. SnapSafe Titan metal gun vaults imported by Hornady are not covered by the AD and CVD orders on lockers from China because they meet all requirements necessary to qualify for the gun safe exclusion explicitly enumerated in the scope language; June 23, 2022.

A-570-090 and C-570-091: Certain Steel Wheels 12 to 16.5 Inches in Diameter From China

*Requestor:* Allied Wheel Components, Inc. (Allied Wheel). Passenger vehicle wheel model numbers X-45282, X-

45329, X-45333, X-45334, X-45337, X-45399, X-45401, X-45460, X-45463, and X-45477 imported by Allied Wheel are not covered by the scope of the AD and CVD orders on certain steel wheels 12 to 16.5 inches in diameter (steel wheels) from China because they have different bolt patterns, offsets, pilot diameters, and/or load ratings that make them unsuitable for use on trailer or towable equipment. Passenger vehicle wheel model number X-45304 imported by Allied Wheel is not covered by the scope of the AD and CVD orders on steel wheels from China because the expectations of ultimate purchasers, ultimate use, and manner in which the product is advertised and displayed distinguish it from in-scope wheels; June 23, 2022.

A-570-117 and C-570-118: Wood Mouldings and Millwork Products From China

*Requestor:* Composite Technology International, Inc. Flat jambs and super and stapled jambs are covered by the scope of the antidumping duty order on wood mouldings and millwork products from China because they are manufactured from wood and do not contain more than 50 percent composite material; June 27, 2022.

#### Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and anti-circumvention determinations made during the period April 1, 2022 through June 30, 2022. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to [CommerceCLU@trade.gov](mailto:CommerceCLU@trade.gov).

This notice is published in accordance with 19 CFR 351.225(o).

Dated: August 19, 2022.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2022-18330 Filed 8-24-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-843, A-570-029, A-533-865, A-588-873, A-580-881, A-412-824, C-533-866, C-351-844]

#### Cold-Rolled Steel Flat Products From Brazil, China, India, Japan, the Republic of Korea, and the United Kingdom: Continuation of Antidumping Duty Orders (China, Japan, Korea, and UK), Continuation of Antidumping and Countervailing Duty Orders (India), and Revocation of Antidumping and Countervailing Duty Orders (Brazil)

**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) and countervailing duty (CVD) orders on certain cold-rolled steel flat products (cold-rolled steel) from the People's Republic of China (China), India, Japan, the Republic of Korea (Korea), and the United Kingdom (UK) would likely lead to continuation or recurrence of dumping, net countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD and CVD orders. In addition, as a result of the ITC's determination that revocation of the AD and CVD orders on certain cold-rolled steel from Brazil is not likely to lead to continuation or recurrence of material injury to an industry in the United States, Commerce is revoking the AD and CVD orders on cold-rolled steel from Brazil.

**DATES:** Applicable August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Reginald Anadio, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3166.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 14 and September 20, 2016, Commerce published in the **Federal Register** the *China and Japan AD Orders* and the *Brazil, India, Korea, and United Kingdom AD Orders*, respectively.<sup>1</sup> On

<sup>1</sup> See *Certain Cold-Rolled Steel Flat Products from Japan and the People's Republic of China: Antidumping Duty Orders*, 81 FR 45956 (July 14, 2016) (*China and Japan AD Orders*); see also *Certain Cold-Rolled Steel Flat Products from Brazil*,

September 20, 2016, Commerce published in the **Federal Register** the *India and Brazil CVD Orders* (collectively with *AD Orders, Orders*).<sup>2</sup> On June 1, 2021, Commerce published the notice of initiation of the sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup> 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 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 and countervailable subsidies. Commerce also notified the ITC of the magnitude of the dumping margins and net countervailable subsidies likely to prevail should the *Orders* be revoked.<sup>4</sup>

On August 12, 2022, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD orders on cold-rolled steel from China, India, Japan, Korea, and the UK, and the AD and CVD orders on cold-rolled steel from India, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, and that revocation of the AD and CVD orders on cold-rolled steel from Brazil would not be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.<sup>5</sup>

### Scope of the Orders: Brazil, India, Korea, the United Kingdom, and China

The products covered by the orders with respect to Brazil, India, Korea, the

*India, the Republic of Korea, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Brazil and the United Kingdom and Antidumping Duty Orders*, 81 FR 64432 (September 20, 2016) (*Brazil, India, Korea, and United Kingdom AD Orders*).

<sup>2</sup> See *Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders (Brazil and India)*, 81 FR 64436 (September 20, 2016) (*India and Brazil CVD Orders*).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Review*, 86 FR 29239 (June 1, 2021).

<sup>4</sup> See *Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, Republic of Korea, and United Kingdom: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 86 FR 54924 (October 5, 2021); see also *Cold-Rolled Steel Flat Products from India: Final Results of the Expedited Five-Year Sunset Review of the Countervailing Duty Order*, 86 FR 54421 (October 1, 2021); and *Certain Cold-Rolled Steel Flat Products of Brazil: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order*, 87 FR 77 (January 3, 2022).

<sup>5</sup> See *Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, South Korea, and the United Kingdom*, 87 FR 49886 (August 12, 2022).

United Kingdom, and China 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 investigation 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 the Brazil, India, Korea, the United Kingdom, and China orders 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 the Brazil, India, Korea, the United Kingdom, and China orders unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of the Brazil, India, Korea, the United Kingdom, and China orders:

- Ball bearing steels;<sup>6</sup>

<sup>6</sup> 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)

Continued

- Tool steels;<sup>7</sup>
- Silico-manganese steel;<sup>8</sup>
- 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.<sup>9</sup>
- 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.<sup>10</sup>

The products subject to the Brazil, India, Korea, the United Kingdom, and China orders are currently classified in the Harmonized Tariff Schedule of the

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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.”

<sup>10</sup> 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). 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.”

United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 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 the Brazil, India, Korea, the United Kingdom, and China orders 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 U.S. Customs purposes only. The written description of the scope of the investigation is dispositive.

#### Scope of the Order: Japan<sup>11</sup>

The products covered by the order on Japan 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

<sup>11</sup> As result of a changed circumstances review, Commerce modified the scope of the order on cold-rolled steel from Japan to specify an exclusion on certain cold-rolled steel from Japan. See *Certain Cold-Rolled Steel Flat Products from Japan: Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part*, 82 FR 12337 (March 2, 2017); see also *See Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, Republic of Korea, and United Kingdom: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 86 FR 54924 (October 5, 2021), and accompanying Issues and Decision Memorandum at 17, n.73.

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 the 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;<sup>12</sup>
- Tool steels;<sup>13</sup>
- Silico-manganese steel;<sup>14</sup>
- Grain-oriented electrical steel (“GOES”) as defined in the final

determination of the U.S. Department of Commerce in *Grain-Oriented Electrical Steel from Germany, Japan, and Poland*.<sup>15</sup>

- 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*.<sup>16</sup>

Also excluded from the scope of this order is ultra-tempered automotive steel, which is hardened, tempered, surface polished, and meets the following specifications:

- Thickness: Less than or equal to 1.0 mm;
- Width: Less than or equal to 330 mm;
- Chemical composition:

Element	C	Si	Mn	P	S
Weight % ....	0.90–1.05	0.15–0.35	0.30–0.50	Less than or equal to 0.03 .....	Less than or equal to 0.006.

Physical properties:

Width less than or equal to 150 mm .....	Flatness of less than 0.2% of nominal strip width.
Width of 150 to 330 mm .....	Flatness of less than 5mm of nominal strip width.

- Microstructure: Completely free from decarburization. Carbides are spheroidal and fine within 1% to 4% (area percentage) and are undissolved in the uniform tempered martensite;
  - Surface roughness: less than or equal to 0.80 to μm Rz;
  - Non-metallic inclusion;
  - Sulfide inclusion less than or equal to 0.04% (area percentage);

- Oxide inclusion less than or equal to 0.05% (area percentage); and
  - The mill test certificate must demonstrate that the steel is proprietary grade “PK” and specify the following:
    - The exact tensile strength, which must be greater than or equal to 1600 N/mm<sup>2</sup>;

- The exact hardness, which must be greater than or equal to 465 Vickers hardness number;
  - The exact elongation, which must be between 2.5% and 9.5%; and
  - Certified as having residual compressive stress within a range of 100 to 400 N/mm<sup>2</sup>.

Also excluded from the scope of this order is certain cold-rolled flat-rolled

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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.

<sup>15</sup> 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) (*Grain-Oriented Electrical Steel from Germany, Japan, and Poland*). 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.”

<sup>16</sup> 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, 71741–71742 (December 3, 2014) (*Non-Oriented Electrical Steel from the People’s Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan*). 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.”

steel meeting the requirements of ASTM A424 Type 1 and having each of the following characteristics:

- Continuous annealed cold-reduced steel in coils with a thickness of between 0.30 mm and 0.36 mm that is in widths either from 875 mm to 940 mm or from 1,168 to 1,232 mm;

- a chemical composition, by weight, of:

- Not more than 0.004% carbon;
- not more than 0.010% aluminum;
- 0.006%–0.010% nitrogen;
- 0.012%–0.030% boron;
- 0.010%–0.025% oxygen;
- less than 0.002% of titanium;
- less than 0.002% by weight of vanadium;
- less than 0.002% by weight of niobium;
- less than 0.002% by weight of antimony;
- a yield strength of from 179.3 MPa to 344.7 MPa;
- a tensile strength of from 303.7 MPa to 413.7 MPa;
- a percent of elongation of from 28% to 46% on a standard ASTM sample with a 5.08 mm gauge length;
- a product shape of flat after annealing, with flat defined as less than or equal to 1 I unit with no coil set as set forth in ASTM A568, Appendix X5 (alternate methods for expressing flatness).

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,  
7209.16.0060, 7209.16.0070,  
7209.16.0091, 7209.17.0030,  
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 the 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 U.S. Customs and Border Protection (CBP) purposes only. The written description of the scope of the order is dispositive.

#### **Continuation of the AD and CVD Orders on Cold-Rolled Steel From China, India, Japan, Korea, and the UK**

As a result of the determinations by Commerce and the ITC that revocation of the AD orders on cold-rolled steel from China, India, Japan, Korea, and the UK, and the AD and CVD orders on cold-rolled steel from India would likely lead to continuation or recurrence of dumping, countervailable subsidies, 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 AD orders on cold-rolled steel from China, India, Japan, Korea, and the UK, and the AD and CVD orders on cold-rolled steel from India. U.S. Customs and Border Protection will continue to collect AD and CVD 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 AD orders on cold-rolled steel from China, India, Japan, Korea, and the UK, and the AD and CVD orders on cold-rolled steel from India 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 sunset review of the AD orders on cold-rolled steel from China, India, Japan, Korea, and the UK, and the AD and CVD orders on cold-rolled steel from India not later than 30 days prior to the fifth anniversary of the effective date of continuation.

#### **Revocation of the AD and CVD Orders on Cold-Rolled Steel From Brazil**

As a result of the determination by the ITC that revocation of the AD and CVD orders on cold-rolled steel from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, 19 CFR 351.222(i)(1)(iii), and 19 CFR 351.218(a), Commerce is revoking

the AD and CVD orders on cold-rolled steel from Brazil. Pursuant to section 751(d)(3) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is September 20, 2021 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of the AD and CVD orders).<sup>17</sup>

#### **Cash Deposits and Assessment of Duties on Cold-Rolled Steel From Brazil**

Commerce intends to notify CBP to terminate the suspension of liquidation and to discontinue the collection of AD and CVD cash deposits on entries of cold-rolled steel from Brazil, entered or withdrawn from warehouse, on or after September 20, 2021. Commerce intends to further instruct CBP to refund with interest all cash deposits on unliquidated entries made on or after September 20, 2021. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD and CVD deposit requirements and assessments.

#### **Administrative Protective Order (APO)**

This notice also serves as the only reminder to parties subject to 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 sections 751(c) and 751(d)(2) of the Act and this notice is published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 19, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022–18348 Filed 8–24–22; 8:45 am]

**BILLING CODE 3510–DS–P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

[C–570–041]

#### **Truck and Bus Tires From the People’s Republic of China: Amended Final Results of Countervailing Duty Administrative Review in Part; 2020**

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

<sup>17</sup> See *Orders*.

**SUMMARY:** The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty (CVD) order on truck and bus tires from the People’s Republic of China (China), covering the period of review (POR) January 1, 2020, through December 31, 2020, to correct ministerial errors.

**DATES:** Applicable August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Czajkowski, 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) 482–1395.

**SUPPLEMENTARY INFORMATION:**

**Background**

Commerce published the *Final Results* of this review on June 30, 2022.<sup>1</sup> On June 30, 2022, we also received timely submitted ministerial error

comments from the petitioner.<sup>2</sup> We are amending the *Final Results* to correct the ministerial errors raised by the petitioner.

**Legal Framework**

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes “errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.”<sup>3</sup> With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and if appropriate, correct any ministerial error by amending . . . the final results of review . . . .”

**Ministerial Error**

Commerce determines that, in accordance with section 751(h) of the

Act and 19 CFR 351.224(f), it made ministerial errors in the *Final Results*. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of these ministerial errors in the calculation of Qingdao Ge Rui Da Rubber Co., Ltd.’s (GRT’s) countervailable subsidy rate, which changes from 16.76 percent to 17.48 percent. For a detailed discussion of Commerce’s analysis, see the Ministerial Error Memorandum and Amended Analysis Memorandum.<sup>4</sup> As a result of this change, the rate for the non-selected companies under review also changes from 16.85 percent to 17.51 percent.<sup>5</sup>

**Amended Final Results of Review**

As a result of correcting the ministerial errors described above, Commerce determines the following net countervailable subsidy rates for the POR, January 1, 2020, through December 31, 2020:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Prinx Chengshan (Shandong) Tire Co., Ltd. <sup>6</sup> .....	17.85
Qingdao Ge Rui Da Rubber Co., Ltd. <sup>7</sup> .....	17.48

**Review-Specific Average Rate Applicable to the Following Companies**

Jiangsu General Science Technology Co., Ltd .....	17.51
Jiangsu Hankook Tire Co., Ltd .....	17.51
Qingdao Awesome International Trade Co., Ltd .....	17.51
Qingdao Doublestar Tire Industrial Co., Ltd .....	17.51
Shandong Haohua Tire Co., Ltd .....	17.51
Shandong Huasheng Rubber Co., Ltd .....	17.51
Shandong Kaixuan Rubber Co., Ltd .....	17.51
Triangle Tyre Co., Ltd .....	17.51

**Disclosure**

We intend to disclose the calculations performed for these amended final results in accordance with 19 CFR 351.224(b).

**Assessment**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine and U.S. Customs and Border Protections (CBP) shall assess, countervailing duties on all

appropriate entries of subject merchandise in accordance with the amended final results of this review. We will calculate importer-specific assessment rate on the basis of the total amount of countervailing duties calculated for each importer’s examined sales and the total entered values of the sales in accordance with 19 CFR 351.212.(b)(1).

We intend to issue liquidation instructions to CBP 35 days after

publication of the amended final results of this review.

**Cash Deposit Requirements**

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies subject to this review. For all non-reviewed companies, CBP will continue to collect cash deposits of estimated countervailing duties at the

<sup>1</sup> See *Truck and Bus Tires from the People’s Republic of China: Final Results of Countervailing Duty Administrative Review*; 2020, 87 FR 39063 (June 30, 2022) (*Final Results*).

<sup>2</sup> See Petitioner’s Letter, “Truck and Bus Tires from the People’s Republic of China: Ministerial Error Comments,” dated June 30, 2022. The petitioner is United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union, AFL–CIO.

<sup>3</sup> See 19 CFR 351.224(f).

<sup>4</sup> See Memorandum, “Ministerial Error Memorandum for the Final Results of the 2020 Administrative Review of the Countervailing Duty

Order on Truck and Bus Tires from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Ministerial Error Memorandum); see also Memorandum, “2020 Administrative Review of the Countervailing Duty Order on Truck and Bus Tires from the People’s Republic of China: Amended Final Results Calculations for Qingdao Ge Rui Da Rubber Co., Ltd.,” dated concurrently with this notice (Amended Analysis Memorandum).

<sup>5</sup> See Memorandum, “2020 Administrative Review of the Countervailing Duty Order on Truck and Bus Tires from the People’s Republic of China: Amended Final Subsidy Rate Calculations for

Respondents Not Selected for Individual Examination,” dated concurrently with this notice.

<sup>6</sup> Cross-owned affiliates are Chengshan Group Co., Ltd.; Shanghai Chengzhan Information and Technology Center; Prinx Chengshan (Qingdao) Industrial Research & Design Co., Ltd.; and Shandong Prinx Chengshan Tire Technology Research Co., Ltd.

<sup>7</sup> Cross-owned affiliates are Cooper Tire (China) Investment Co. Ltd.; Cooper Tire Asia-Pacific (Shanghai) Trading Co., Ltd.; Cooper (Kunshan) Tire Co., Ltd.; and Qingdao Yiyuan Investment Co., Ltd.

most recent company specific or all-others rate applicable to the company, as appropriate. These cash deposits, effective upon publication of these amended final results, shall remain in effect until further notice.

#### Administrative Protective Order

This notice serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing these amended final results of review in accordance with sections 751(h) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: August 19, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-18329 Filed 8-24-22; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC287]

#### 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 145th Scientific and Statistical Committee (SSC), Pelagic and International Standing Committee, Fishery Rights of Indigenous People Standing Committee, Executive and Budget Standing Committee, and 192nd Council meetings to take actions on fishery management issues in the Western Pacific Region.

**DATES:** The meetings will be held between September 13 and September 22, 2022. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The SSC and Standing Committee meetings will be held in a

hybrid format with in-person and remote participation (Webex) options available for the Council and SSC members, and public attendance limited to web conference via Webex. For the SSC and Standing Committee meetings, in-person attendance for Council and advisory body members will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI, 96813.

The 192nd Council Meeting will be held as a hybrid meeting for Council members and public. The in-person portion of the Council Meeting will be held at the Hilton Hawaiian Village, 2005 Kalia Road, Honolulu, HI, 96815. Remote participation option will be available via Webex.

Specific information on joining the meeting, connecting to the web conference and providing oral public comments will be posted on the Council website at [www.wpcouncil.org](http://www.wpcouncil.org). For assistance with the web conference connection, contact the Council office at (808) 522-8220.

**Council address:** Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

#### FOR FURTHER INFORMATION CONTACT:

Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** All times shown are in Hawaii Standard Time. The 145th SSC meeting will be held between 9 a.m. and 5 p.m. on September 13-15, 2022. The Pelagic and International Standing Committee meeting will be held between 8:30 a.m. and 11:30 a.m. on September 19, 2022. The Fishery Rights of Indigenous People Standing Committee meeting will be held between 12:30 p.m. and 2:30 p.m. on September 19, 2022. The Executive and Budget Standing Committee meeting will be held between 2:30 p.m. and 5:30 p.m. on September 19, 2022. The 192nd Council meeting will be held between 9 a.m. and 5 p.m. on September 20-21, 2022, and between 9 a.m. and 1 p.m. on September 22, 2022.

Please note that the evolving public health situation regarding COVID-19 may affect the conduct of the September Council and its associated meetings. At the time this notice was submitted for publication, the Council anticipated convening the SSC and Standing Committee meetings as a hybrid format for members and by web conference for public attendance, and the Council meeting as an in-person meeting with a web conference attendance option. If public participation options will be modified, the Council will post notice

on its website at [www.wpcouncil.org](http://www.wpcouncil.org) by, to the extent practicable, 5 calendar days before each meeting.

Agenda items noted as "Final Action" refer to actions that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 192nd Council meeting will be available at [www.wpcouncil.org](http://www.wpcouncil.org). Written public comments on final action items at the 192nd Council meeting should be received at the Council office by 5 p.m. HST, September 16, 2022, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522-8220 or fax: (808) 522-8226; or email: [info@wpcouncil.org](mailto:info@wpcouncil.org). Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded (audio only) for the purposes of generating the minutes of the meeting.

#### Agenda for the 145th SSC Meeting

*Tuesday, September 13, 2022, 9 a.m. to 5 p.m.*

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 144th SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center Director Report
5. Protected Species
  - A. False Killer Whale Interaction and Depredation Analysis
  - B. Protected Species Interaction Estimation
  - C. Endangered Species Act (ESA) Section 7 Consultations
1. Hawaii Deep-set Longline Fishery Draft Biological Opinion
2. American Samoa Longline Fishery Draft Biological Opinion

- D. Public Comment
- E. SSC Discussion and Recommendations
- 6. Island Fisheries
  - A. Development of Status Determination Criteria for the Hawaii Kona Crab Fishery (Action Item)
  - B. Report on Uku Essential Fish Habitat (EFH) Western Pacific Stock Assessment Review (WPSAR)
  - C. Report on Ecosystem-based Fisheries Management Thresholds for Hawai'i Nearshore Fisheries
  - D. Public Comment
  - E. SSC Discussion and Recommendations
- 7. Program Planning and Research
  - A. Alternatives for Fishing Regulations in the Northwestern Hawaiian Islands (NWHI) (Action Item)
  - B. Alternatives for an Aquaculture Management Framework in the Western Pacific (Action Item)
  - C. Status Update on Territorial Bottomfish Management Unit Species (BMUS) Revision
  - D. Report of the 7th National Scientific Coordination Subcommittee Meeting
  - E. Preparations for the Ecosystem-based Fisheries Management Workshop
  - F. University of Hawaii Fisheries Program Development
  - G. Public Comment
  - J. SSC Discussion and Recommendations

*Wednesday, September 14, 2022, 9 a.m. to 5 p.m.*

- 8. Pelagic and International Fisheries
  - A. Longline Fishery Reports
    - 1. Hawaii Longline Fishery Report
    - 2. American Samoa Longline Fishery Report
  - 3. American Samoa Large Vessel Prohibited Area (LVPA) Performance Review
    - B. Longline Gear Modifications and Impacts on Catch of Target and Non-Target Species
    - C. Pacific Islands Ocean Observing System (PacIOOS)
      - 1. Updates to PacIOOS Scientific Products and Voyager Data Portal
      - 2. Pelagic Telemetry Network Projects
    - D. International Fisheries
      - 1. United Nations (UN) Ocean Conference
      - 2. International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean 2022 (ISC22) Working Groups and Plenary
      - 3. Western and Central Pacific Fisheries Commission (WCPFC) 18th Science Committee
      - 4. Recommendations to the Permanent Advisory Committee (PAC)

- E. Public Comment
- F. SSC Discussion and Recommendations
- Thursday, September 15, 2022, 9 a.m. to 5 p.m.*
- 9. Other Business
  - A. Inter-American Tropical Tuna Commission (IATTC) Representative to SSC
  - B. December SSC Meetings Dates
- 10. Summary of SSC Recommendations to the Council

#### **Agenda for the Pelagic and International Standing Committee**

*Monday, September 19, 2022, 8:30 a.m. to 11:30 a.m.*

- 1. Status and Review of the Hawaii Deep-set and American Samoa Longline Fishery Biological Opinions
- 2. Opportunities for Fishery Development for U.S. Pacific Territories
- 3. U.S. Commitments through South Pacific Tuna Treaty
- 4. Outcomes of Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) Fifth Session
- 5. Issues Leading into U.S. PAC to WCPFC
- 6. Advisory Group Report and Recommendations
- 7. Other Business
- 8. Public Comment
- 9. Discussion and Recommendations

#### **Agenda for the Fishery Rights of Indigenous People Standing Committee**

*Monday, September 19, 2022, 12:30 p.m. to 2:30 p.m.*

- 1. Alternatives for Fishing Regulations in the NWHI
- 2. Alternatives for an Aquaculture Management Framework in the Western Pacific
- 3. Equity and Environmental Justice
- 4. Fisheries Development Plan in the Territories
- 5. Marine Conservation Plans
  - A. Guam (2023–26)
  - B. Commonwealth of the Northern Mariana Islands (CNMI) (2023–26)
  - C. Pacific Remote Island Areas (PRIA)/Sustainable Fisheries Fund (2023–26)
- 6. Advisory Group Report and Recommendations
- 7. Other Business
- 8. Public Comment
- 9. Discussion and Recommendations

#### **Agenda for the Executive and Budget Standing Committee**

*Monday, September 19, 2022, 2:30 p.m. to 5:30 p.m.*

- 1. Financial Reports

- 2. Administrative Reports
- 3. Council Program Plan Update
- 4. Council Family Changes
- 5. Meetings and Workshops
- 6. Other Issues
- 7. Public Comment
- 8. Discussion and Recommendations

#### **Agenda for the 192nd Council Meeting**

*Tuesday, September 20, 2022, 9 a.m. to 5 p.m.*

- 1. Welcome and Introductions
- 2. Opening Remarks
- 3. Oath of Office—New Council Members
- 4. Approval of the 192nd CM Agenda
- 5. Approval of the 191st CM Meeting Minutes
- 6. Executive Director's Report
- 7. Agency Reports
  - A. NMFS
    - 1. NMFS Headquarters
    - 2. Pacific Islands Regional Office
    - 3. Pacific Islands Fisheries Science Center
      - B. NOAA Office of General Counsel Pacific Islands Section
      - C. Enforcement
        - 1. U.S. Coast Guard
        - 2. NOAA Office of Law Enforcement
        - 3. NOAA Office of General Counsel Enforcement Section
          - D. U.S. State Department
          - E. U.S. Fish and Wildlife Service
        - F. Public Comment
        - G. Council Discussion and Action
- 8. Protected Species
  - A. ESA Section 7 Consultations
    - 1. Status of the Hawaii Deep-set and American Samoa Longline Fishery Draft Biological Opinions
    - 2. Final Bottomfish Fishery Biological Opinion
      - B. False Killer Whales Interaction and Depredation Analysis
      - C. ESA and Marine Mammal Protection Act Updates
      - D. Advisory Group Report and Recommendations
        - 1. Advisory Panel
        - 2. Fishing Industry Advisory Committee
        - 3. Non-Commercial Fishing Advisory Committee
        - 4. Scientific & Statistical Committee
        - 5. Pelagic and International Standing Committee
          - E. Public Comment
          - F. Council Discussion and Action
        - 9. Hawai'i Archipelago & Pacific Remote Island Areas (PRIA)
          - A. Moku Pepa
          - B. Department of Land and Natural Resources/Division of Aquatic Resources Report (Legislation, Enforcement)
          - C. Alternatives for Fisheries Management Measures in the NWHI (Initial Action)

- D. Development of Status Determination Criteria for the Hawaii Kona Crab Fishery (Initial Action)
- E. Report on Uku EFH WPSAR
- F. Update on Green Turtle Management
- G. Pacific Remote Island Marine National Monument Expansion Update
- H. Advisory Group Report and Recommendations
1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Non-Commercial Fishing Advisory Committee
  4. Scientific & Statistical Committee
- I. Public Comment
- J. Council Discussion and Action
- Wednesday, September 21, 2022, 9 a.m. to 5 p.m.*
10. Program Planning and Research
- A. National Legislative Report
1. Inflation Reduction Act of 2022
  2. American Fisheries Advisory Committee Nominations
- B. Alternatives for an Aquaculture Management Framework in the Western Pacific (Final Action)
- C. Status Update on Territorial BMUS Revision
- D. Update on the National Saltwater Recreational Fishing Policy
- E. Improving the Collection of Hawaii Recreational Catch and Effort Data
- F. Report of the 7th National Scientific Coordination Subcommittee Meeting
- G. Preparations for the Ecosystem-based Fisheries Management Workshop
- H. Regional Communications & Outreach Report
- I. Advisory Group Report and Recommendations
1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Non-Commercial Fishing Advisory Committee
  4. Scientific & Statistical Committee
- J. Public Comment
- K. Council Discussion and Action
11. Pelagic & International Fisheries
- A. PacIOOS Updates
- B. Hawaii Longline Semi-Annual Report
- C. American Samoa Longline Semi-Annual Report
- D. American Samoa LVPA Performance Review
- E. International Fisheries Issues
1. Increasing Influence of China in Pacific Islands
  2. UN Ocean Conference and BBNJ
  3. ISC22 Working Groups and Plenary
  4. WCPFC 18th Science Committee
  5. U.S. PAC to WCPFC
- F. Advisory Group Report and

- Recommendations
1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Non-Commercial Fishing Advisory Committee
  4. Scientific & Statistical Committee
  5. Pelagic and International Standing Committee
- G. Public Comment
- H. Council Discussion and Action
12. American Samoa Archipelago
- A. Motu Lipoti
- B. Department of Marine and Wildlife Resources Report
- C. Advisory Group Report and Recommendations
1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Scientific & Statistical Committee
- D. Public Comment
- E. Council Discussion and Action

*Wednesday, September 21, 2022, 4:30 p.m. to 5 p.m.*

Public Comment on Non-Agenda Items

*Thursday, September 22, 2022, 9 a.m. to 1 p.m.*

13. Mariana Archipelago
- A. Commonwealth of the Northern Mariana Islands
1. Arongol Falú
  2. Department of Land and Natural Resources/Division of Fish and Wildlife Report
- B. Guam
1. Department of Agriculture/Division of Aquatic and Wildlife Resources Report
  2. Isla Informe
- C. Advisory Group Report and Recommendations
1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Non-Commercial Fishing Advisory Committee
  4. Scientific & Statistical Committee
- D. Public Comment
- E. Council Discussion and Action
14. Administrative Matters
- A. Financial Reports
- B. Administrative Reports
- C. Council Program Planning Update
- D. Council Family Changes
1. Advisory Panel Solicitation Review
  2. Meetings and Workshops
  3. Standing Committee Report
  4. Public Comment
  5. Council Discussion and Action
15. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 192nd meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this

document that requires emergency action under section 305(c) of the MSA, provided the public has been notified of the Council's intent to take action to address the emergency.

### 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 22, 2022.

### Rey Israel Marquez,

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

[FR Doc. 2022-18352 Filed 8-24-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC205]

#### Guidelines for Preparing Stock Assessment Reports Pursuant to the Marine Mammal Protection Act; Draft Revisions to Procedural Directive (NMFS PD 02-204-01)

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

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

**SUMMARY:** The National Marine Fisheries Service (NMFS) solicits public comments on draft revisions to the Guidelines for Preparing Stock Assessment Reports Pursuant to the Marine Mammal Protection Act (NMFS Procedural Directive (PD) 02-204-01).

**DATES:** Comments must be received by September 26, 2022.

**ADDRESSES:** The draft revisions to the Guidelines for Preparing Stock Assessment Reports Pursuant to the Marine Mammal Protection Act (NMFS PD 02-204-01) are available at: <https://www.regulations.gov/docket/NOAA-NMFS-2022-0081>. You may submit comments on the draft revisions, through the Federal e-Rulemaking Portal:

1. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2022-0081 in the Search box.

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

3. Enter or attach your comments.

*Instructions:* NMFS may not consider comments if they are sent by any other

method, to any other address or individual, or received after the end of the comment period. Due to delays in processing mail related to COVID-19 and health and safety concerns, no mail, courier, or hand deliveries will be accepted. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter may be publicly accessible. NMFS will also accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Eric Patterson, NMFS Office of Protected Resources, (301) 427-8415, [Eric.Patterson@noaa.gov](mailto:Eric.Patterson@noaa.gov); or Zachary Schakner, NMFS Office of Science and Technology, 301-427-8106, [Zachary.Schakner@noaa.gov](mailto:Zachary.Schakner@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial stock assessment reports (SARs) were completed in 1995.

NMFS convened a workshop in June 1994, including representatives from NMFS, FWS, and the Marine Mammal Commission (Commission), to draft guidelines for preparing SARs. The report of this workshop (Barlow *et al.*, 1995) included the guidelines for preparing SARs and a summary of the discussions upon which the guidelines were based. The draft guidelines were made available, along with the initial draft SARs, for public review and comment (59 FR 40527; August 9, 1994) and were finalized August 25, 1995 (60 FR 44308; August 25, 1995).

In 1996, NMFS convened a second workshop (referred to as the Guidelines for Assessing Marine Mammal Stocks, or "GAMMS," workshop) to review the guidelines and recommend changes, if appropriate. Workshop participants

included representatives from NMFS, FWS, the Commission, and the three regional scientific review groups (SRGs). The report of that workshop (Wade and Angliss, 1997) summarized the discussion at the workshop and contained revised guidelines. The revised guidelines represented minor changes from the initial version. The revised guidelines were made available for public review and comment along with revised stock assessment reports on January 21, 1997 (62 FR 3005; January 21, 1997) and later finalized.

In September 2003, NMFS again convened a workshop (referred to as GAMMS II) to review guidelines and again recommend minor changes. Participants at the workshop included representatives of NMFS, FWS, the Commission, and the regional SRGs. Changes to the guidelines resulting from the 2003 workshop were directed primarily toward identifying population stocks and estimating PBR for declining stocks of marine mammals. The revised guidelines were made available for public review and comment on November 18, 2004 (69 FR 67541), and the revisions were completed and finalized on June 20, 2005 (70 FR 35397).

In February 2011, NMFS convened another workshop (referred to as GAMMS III) to review guidelines for preparing SARs and again recommended changes to the guidelines. Participants at the workshop again included representatives from NMFS, FWS, the Commission, and the three regional SRGs. The objectives of the GAMMS III workshop were to (1) consider methods for assessing stock status (*i.e.*, how to apply the PBR framework) when abundance data are outdated, nonexistent, or only partially available; (2) develop policies on stock identification and application of the PBR framework to small stocks, transboundary stocks, and situations where stocks mix; and (3) develop consistent national approaches to a variety of other issues, including reporting mortality and serious injury information in assessments. Nine specific topics were discussed at the workshop. The deliberations of these nine topics resulted in a series of recommended modifications to the guidelines. The main body of the GAMMS III workshop report included summaries of the presentations and discussions for each of the agenda topics, as well as recommended revisions to individual sections of the guidelines (Moore and Merrick, 2011). Appendices to the workshop report provided a variety of supporting documents, including the full draft

revision of the guidelines (Appendix IV). The revised guidelines were made available for public review and comment on January 24, 2012 (77 FR 3450), and revisions related to seven of the nine topics were finalized on March 2, 2016 (81 FR 10830) as a NMFS Procedural Directive (NMFS PD 02-204-01) for the first time.

In July 2020, NMFS once again began efforts to review and possibly revise the guidelines, with a focus on addressing some topics identified in the GAMMS III workshop but not finalized in 2016. In addition, per the NMFS Policy Directive System, the guidelines were scheduled for review in February 2021. Due to the COVID-19 pandemic and the targeted nature of the revision effort, an in-person workshop was not held as was typical in the past. Instead, an internal working group reviewed the guidelines and developed draft revisions, as appropriate. The working group identified eight topics that warranted potential revisions, a summary of which is provided below.

Topic 1 relates to revising the guidelines to incorporate and reference NMFS Procedural Directive: Reviewing and Designating Stocks and Issuing Stock Assessment Reports under the Marine Mammal Protection Act (NMFS PDS 02-204-03). NMFS PDS 02-204-03, which was finalized in 2019, established NMFS procedure for reviewing and designating stocks in the development of the SARs, including how stock designations relate to demographically independent populations (DIPs), as well as distinct population segments (DPSs) in cases where marine mammals are also listed as DPSs under the Endangered Species Act (ESA). The draft revisions summarize NMFS PDS 02-204-03 and incorporate the directive by reference. They describe the distinction between the delineation of DIPs and the designation of stocks and remove text that is no longer relevant as it relates to defining stocks, which is replaced with direction to rely on Martien *et al.* (2019) for DIP delineation and NMFS PDS 02-204-03 for stock designation. The draft revisions also provide additional guidance on how to define ranges given the possible DIP delineation and resulting stock designation outcomes. Finally, the draft revisions remove text on prospective stocks that was deemed no longer relevant given the process laid out in NMFS PDS 02-204-03.

Topics 2 and 3 relate to the calculation of the minimum population abundance ( $N_{min}$ ) in post-survey years (Topic 2), and to address sources of bias (Topic 3), respectively. Previous versions of the guidelines state that if

eight years have transpired since the time of an abundance survey, *N<sub>min</sub>* is considered unknown. This creates a challenge for managing stocks. The draft revisions remove the 8-year expiration of abundance data for use in calculating *N<sub>min</sub>*. They provide additional detail on the survey frequency assumed in the original PBR performance testing scenarios conducted by Wade (1998) and note that if survey data are older than was assumed in these scenarios, *N<sub>min</sub>* should be adjusted to account for uncertain post-survey abundance changes. The draft revisions provide a non-exhaustive list of potential options for making such adjustments to *N<sub>min</sub>* and note that at some point even with adjustments, *N<sub>min</sub>* will become unreliable and should be considered unknown on a case-by-case basis.

Topic 4 relates to designating stocks as strategic and related recovery factors. The MMPA defines the term “strategic stock” as a marine mammal stock: (A) for which the level of direct human caused mortality exceeds the potential biological removal (PBR) level; (B) which is declining and is likely to be listed as a threatened species under the ESA within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the ESA or is designated as depleted under the MMPA. While applying criterion A or C may be relatively straightforward, applying criterion B is more subjective and previous versions of the guidelines did not provide any guidance related to criterion B. The draft revisions provide explicit guidelines for making strategic determinations based on each part of Section 3(19) of the MMPA (A–C). For Section 3(19)(A), the draft revisions provide direction for how to assess strategic status given varying levels of information on the minimum population size, which is necessary for calculating the PBR level, and human-caused mortality and serious injury (M/SI). For Section 3(19)(B), the draft revisions direct SAR authors to rely on information to be included in the SAR on the stock’s trend and whether the stock is proposed to be listed under the ESA to inform strategic status. Finally, the draft revisions provide straightforward guidelines for determining strategic status under Section 3(19)(C) based on a stock’s current depleted status under the MMPA and listing under the ESA.

Topic 5 focuses on improving language related to quantifying and including unobserved mortality and serious injury. In recent years, estimates of unobserved or “cryptic” mortality of marine mammals, particularly of large whales, have been developed and in

some cases, have been incorporated into the SARs. However, previous versions of the guidelines did not provide guidance specific to incorporating this information and whether or not it should be considered and counted against PBR. The draft revisions summarize the concept of undetected mortality and the state of the science as it relates to estimating undetected mortality in marine mammals and its inclusion in SARs. They then provide specific guidance directing SAR authors to correct human-caused M/SI estimates for undetected mortality using the best available scientific information when possible and include several examples of how this may be accomplished. The draft revisions also provide guidance on using data from other stocks and how to appropriately deal with apportioning undetected mortality by cause, various biases that may exist, and multiple estimates of human-caused M/SI.

Topic 6 relates to providing further guidance on the inclusion and incorporation of information on climate change, biologically important areas, and habitat issues. Inclusion of information on the effects of climate change in SARs has been a subject of discussion among SRGs. In addition, NMFS is in the process of completing climate vulnerability assessments for marine mammal stocks (Lettrich *et al.*, 2019), and efforts are underway to update guidance on using climate information in various ESA and MMPA contexts. Somewhat related, for endangered/threatened stocks, the SARs generally include information about critical habitat designations, while SARs may or may not include a description of biologically important areas when identified for a stock. The draft revisions provide a new section entitled “Habitat Issues,” which is mentioned in the current version of the guidelines as a possible section in the SARs, but with little specific guidance. The draft revisions provide guidance on the purpose of the habitat issues section of a SAR (to highlight habitat issues affecting the status of the stock), and when such a section may be warranted. They describe the type of information and level of detail that should be included in this section. The draft revisions focus on strategic stocks, given the requirements of the MMPA, but note that in some cases, a habitat issues section may be included for non-strategic stocks when warranted.

Topic 7 clarifies expectations regarding peer-review of information included in SARs. Previous recommendations from the SRGs indicated that the peer-review expectations for information included in

the SARs are not clearly laid out in the current guidelines. The draft revisions provide two new sections entitled “Ensuring Appropriate Peer Review of New Information” and “Ensuring Appropriate Quality Assurance and Quality Control.” The first section summarizes NOAA’s mandates to include the best available scientific information in the SARs and provides direction for how this requirement may be met when including new information in draft SARs. It then describes three levels of peer review and how the different types of new information that may be included in the SARs fit into each level, with specific direction given on what level of review should be considered in each circumstance. The second section directs SAR authors to ensure draft SARs follow appropriate Quality Assurance and Quality Control procedures.

Finally, Topic 8 relates to data sources and criteria used for documenting human-caused mortality and serious injury. Implementation of the 2016 guidelines resulted in some inconsistencies in how SARs report information on human-caused M/SI and the criteria used for such information. Such inconsistencies have led to differing estimates of human-caused M/SI among SARs and other NMFS documents. Additionally, under the previous guidelines, there was a lack of consistency in the SARs regarding human-caused injuries, especially fishery entanglements/ingestions, that were determined to not be seriously injured and therefore not counting against PBR, particularly when there was intervention. The draft revisions modify the existing section titled “Annual Human-caused Mortality and Serious Injury.” Specifically, the draft revisions divide this section into several new sections including sections on “Undetected Mortality and Serious Injury” (see Topic 5 above), “Incidental Commercial Fishery Mortality and Serious Injury,” and “Other Sources of Human-Caused Mortality and Serious Injury (Including Foreign Fisheries and Non-commercial U.S. Fisheries),” and this now includes the existing “Mortality Rates” section. Within these sections, the draft revisions provide additional guidance on the data sources and criteria that should be considered when determining what constitutes the best available scientific information regarding human-caused M/SI. The draft revisions also provide details on how to include information on non-serious injuries, including serious injuries that were averted due to intervention.

In addition, other minor revisions were made to improve readability,



formatting, and clarity, and ensure consistency with ongoing efforts to revise NMFS Serious Injury Procedural Directive (NMFS PD 02–038–01). The full draft revised Procedural Directive is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2022-0081>. NMFS solicits public comments on the draft revisions.

#### References

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- Lettrich, M.D., Asaro, M.J., Borggaard, D.L., Dick, D.M., Griffis, R.B., Litz, J.A., Orphanides, C.D., Palka, D.L., Pendleton, D.E., Soldevilla, M.S. 2019. A Method for Assessing the Vulnerability of Marine Mammals to a Changing Climate. NOAA Technical Memorandum NMFS–SPO–196, 73 p. Available at: [https://spo.nmfs.noaa.gov/sites/default/files/TMSPO196\\_508.pdf](https://spo.nmfs.noaa.gov/sites/default/files/TMSPO196_508.pdf).
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Dated: August 18, 2022.

**Kimberly Damon-Randall,**

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

[FR Doc. 2022–18349 Filed 8–24–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC284]

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

**DATES:** The meeting will be held on Tuesday, September 13, 2022, starting at 12:30 p.m. and continue through 12 p.m. on Wednesday, September 14, 2022. See **SUPPLEMENTARY INFORMATION** for agenda details.

#### ADDRESSES:

*Meeting address:* The meeting will be held at the Hyatt Place Baltimore Inner Harbor, 511 South Central Ave., Baltimore, MD 21202.

The meeting will be conducted in a hybrid format, with options for both in-person and webinar participation. Details on how to connect to the webinar by computer and by telephone will be available at: [www.mafmc.org/ssc](http://www.mafmc.org/ssc).

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: [www.mafmc.org](http://www.mafmc.org).

#### FOR FURTHER INFORMATION CONTACT:

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

**SUPPLEMENTARY INFORMATION:** During this meeting, the SSC will make acceptable biological catch (ABC) recommendations for spiny dogfish for the 2023 fishing year based on the most recent survey data and fishery information. The SSC will get an overview of the work products and decision support tools developed as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA) project. The SSC will receive an update from a number of SSC working groups,

including: the Ecosystem work group, the Economic work group, and the Constant/Average ABC work group. The SSC will also receive a presentation on the results and findings of the Council's recently completed management strategy evaluation on the recreational summer flounder fishery. The SSC may take up any other business as necessary.

A detailed agenda and background documents will be made available on the Council's website ([www.mafmc.org](http://www.mafmc.org)) prior to the meeting.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: August 22, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022–18351 Filed 8–24–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC260]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the North Jetty Maintenance and Repairs Project in Coos Bay, Oregon

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

**ACTION:** Notice; issuance of two incidental harassment authorizations (IHAs).

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two IHAs to the U.S. Army Corps of Engineers (Corps) to incidentally harass marine mammals during in-water construction activities associated with the North Jetty Maintenance and Repairs Project in Coos Bay, Oregon. There are no changes from the proposed authorizations in these final authorizations.

**DATES:** These authorizations are effective from September 1, 2022 through August 31, 2023 and March 1, 2024 through February 28, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Amy Fowler, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:****Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed incidental harassment authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

**History of Request**

On March 18, 2019, NMFS received a request from USACE for two IHAs to take 7 species of marine mammals, by Level B harassment only, incidental to vibratory pile driving and removal associated with the North Jetty

Maintenance and Repairs Project in Coos Bay, Oregon over the course of two years with pile installation occurring during Year 1 and pile removal occurring during Year 2. The application was deemed adequate and complete on September 10, 2019. Neither USACE nor NMFS expects injury, serious injury or mortality to result from this activity and, therefore, IHAs are appropriate. On January 3, 2020, NMFS issued the two IHAs to the USACE (85 FR 1140; January 9, 2020). The Year 1 IHA was effective from September 1, 2020 through August 31, 2021 and the Year 2 IHA was effective July 1, 2022 through June 30, 2023.

On February 20, 2021, the USACE notified NMFS that the project had been delayed and none of the work identified in the year 1 IHA (*e.g.*, pile installation) had occurred. On May 4, 2021, NMFS reissued the Year 1 IHA, effective September 1, 2021 through August 31, 2022 (86 FR 24850; May 10, 2021).

On February 23, 2022, the USACE notified NMFS that the project had been further delayed and work had still not commenced. The USACE submitted an application for both IHAs to be reissued, with the Year 1 IHA effective from September 1, 2022 through August 31, 2023 and the Year 2 IHA effective from March 1, 2024 through February 28, 2025. NMFS has determined that the USACE’s planned activities (including mitigation, monitoring, and reporting), estimated incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized in the initial IHAs. There are no changes from the proposed IHAs to the final IHAs.

**Comments and Responses**

Since the initial IHAs were issued several years ago, NMFS published a notice of proposed IHAs in the **Federal Register** on July 13, 2022 (87 FR 41665) requesting public input on the request for authorization described therein, our analyses, the proposed reissued authorizations, and any other aspect of the notice of proposed IHAs, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period. No public comments were received on the proposed notice.

**Description of the Planned Activity and Anticipated Impacts**

The reissued IHAs include the same in-water construction activities (*i.e.*, vibratory pile installation and removal) in the same locations that were described in the initial IHAs. The mitigation, monitoring, and reporting

measures remain the same as prescribed in the initial IHAs. NMFS refers the reader to the documents related to the initial IHAs issued on January 3, 2020 (available at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-army-corps-engineers-north-jetty-maintenance-and-repairs>) for more detailed descriptions of the project activities. Other relevant documents include the **Federal Register** notice of proposed IHAs and request for comments (84 FR 56781; October 23, 2019), notice of issued IHAs (85 FR 1140; January 9, 2020), and notice of reissued Year 1 IHA (86 FR 24850; May 10, 2021).

*Detailed Description of the Action*

A detailed description of the USACE’s planned construction activities is found in these previous documents. The location, time of year, and nature of the activities, including the types of piles and methods of installation and removal, are identical to those described in the previous documents.

*Description of Marine Mammals*

A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to these reissued IHAs as well. In addition, NMFS has reviewed the draft 2021 Stock Assessment Reports (SARs; Carretta *et al.*, 2021; Muto *et al.*, 2021), information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the initial IHAs. The estimated abundances of the California Breeding stock of northern elephant seals (*Mirounga angustirostris*), the Northern California/Southern Oregon stock of harbor porpoises (*Phocoena phocoena*), the West Coast Transient stock of killer whales (*Orcinus orca*), and the Eastern U.S. stock of Steller sea lions (*Eumetopias jubatus*) in the 2021 draft SARs have all increased from the numbers presented in the **Federal Register** notices for the initial IHAs (84 FR 56781, October 23, 2019; 85 FR 1140, January 9, 2020).

*Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activities on marine mammals and their habitat is found in the documents supporting the initial IHAs, which remains applicable to the reissuance of the IHAs. There is no new information on potential effects.

*Estimated Take*

A detailed description of the methods and inputs used to estimate take for the specified activities are found in the notice of issuance of the initial IHAs (85

FR 1140; January 9, 2020). The methods of estimating take for the reissued IHAs are identical to those used in the initial IHAs. The source levels, days of operation, and marine mammal density remain unchanged from the previously

issued IHAs. Regarding authorized take, the stocks taken, types of take, and methods of taking remain unchanged from the previously issued IHAs, as do the number of takes, which are indicated below.

TABLE 1—AUTHORIZED TAKE BY LEVEL B HARASSMENT AND AS A PERCENTAGE OF STOCK ABUNDANCE IN EACH YEAR

Marine mammal	Level B harassment AZ sheets (or H-piles)	Level B harassment 30-inch piles	Level B harassment AZ sheets (or H-piles)	Level B harassment 30-inch piles	Total authorized take by level B harassment (percent of stock)	Total authorized take by level B harassment (percent of stock)
	YR-1 installation	YR-1 installation	YR-2 removal	YR-2 removal	YR-1 installation	YR-2 removal
Harbor seal ( <i>Phoca vitulina</i> ) .....	1,169	1,169	1,169	1,169	2,238 (9.45 percent) ..	2,238 (9.45 percent).
Northern Elephant seal ( <i>Mirounga angustirostris</i> ) .....	7	7	7	7	14 (<0.01 percent) .....	14 (<0.01 percent).
Steller sea lion ( <i>Eumetopias jubatus</i> ) .....	14	14	14	14	28 (0.06 percent) .....	28 (0.06 percent).
California sea lion ( <i>Zalophus californianus</i> ) .....	21	21	21	21	42 (0.02 percent) .....	42 (0.02 percent).
Gray whale ( <i>Eschrichtius robustus</i> ) .....	1	1	1	1	2 (<0.01 percent) .....	2 (<0.01 percent).
Killer whale ( <i>Orcinus orca</i> ) .....	2		2		2 (0.57 percent) .....	2 (0.57 percent).
Harbor porpoise ( <i>Phocoena phocoena</i> ) .....	2	2	2	2	4 (0.02 percent) .....	4 (0.02 percent).

*Description of Mitigation, Monitoring and Reporting Measures*

The required mitigation, monitoring, and reporting measures described here are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHAs (85 FR 1140; January 9, 2020) and the discussion of the least practicable adverse impact included in that document remains accurate. Unless otherwise stated, the following measures are included in both IHAs:

**Timing Restrictions**

All work must be conducted during daylight hours. If poor environmental conditions restrict visibility full

visibility of the shutdown zone, pile installation must be delayed.

**Shutdown Zone for In-Water Heavy Machinery Work**

For in-water heavy machinery work other than pile driving, if a marine mammal comes within 10 meters (m) of such operations, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions.

**Shutdown Zones**

For all pile driving/removal activities, the USACE must establish shutdown zones for a marine mammal species that is greater than its corresponding Level A

harassment zone. To be conservative, the USACE must implement one cetacean shutdown zone (55 m) and one pinniped shutdown zone (25 m) during any pile driving/removal activity (*i.e.*, during sheet piles, H-piles, and 30-in steel pile installation and removal) (Table 2) which exceeds the maximum calculated PTS isopleths as described in Table 7 of the **Federal Register** notice announcing the issuance of the initial IHAs (85 FR 1140; January 9, 2020). The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area).

TABLE 2—PILE DRIVING SHUTDOWN ZONES DURING PROJECT ACTIVITIES

Activity	Shutdown zones (radial distance in m, area in square kilometers (km <sup>2</sup> ))				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid	Otariid
<b>In-Water Construction Activities</b>					
Heavy machinery work (other than pile driving) .....	10 (0.00015)	10 (0.00015)	10 (0.00015)	10 (0.00015)	10 (0.00015)
<b>Vibratory Pile Driving/Removal</b>					
12-in H pile steel installation/removal .....	55 (0.00475)	55 (0.00475)	55 (0.00475)	25 (0.00098)	25 (0.00098)
24-in sheet pile installation/removal .....	55 (0.00475)	55 (0.00475)	55 (0.00475)	25 (0.00098)	25 (0.00098)
30-in pile installation/removal .....	55 (0.00475)	55 (0.00475)	55 (0.00475)	25 (0.00098)	25 (0.00098)

\* **Note:** km<sup>2</sup> were divided by two to account for land.

**Non-Authorized Take Prohibited**

If a species enters or approaches the Level B harassment zone and that species is either not authorized for take or its authorized takes are met, pile driving and removal activities must shut

down immediately using delay and shutdown procedures. Activities must not resume until the animal has been confirmed to have left the area or an observation time period of 15 minutes has elapsed for pinnipeds and small

cetaceans and 30 minutes for large whales.

**Pre-Activity Monitoring**

Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 min or longer

occurs, protected species observers (PSOs) must observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone is cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, pile driving activities must not begin until the animal has left the shutdown zone or has not been observed for 15 min. If the Level B Harassment Monitoring Zone has been observed for 30 min and no marine mammals (for which take has not been authorized) are present within the zone, work will continue even if visibility becomes impaired within the Monitoring Zone. If a marine mammal for which take has been permitted is present in the Monitoring zone, piling activities will begin and Level B harassment take will be recorded.

#### Monitoring Zones

The USACE must establish and observe monitoring zones for Level B harassment. The monitoring zones for this project are areas where received sound pressure levels (SPLs) are equal to or exceed 120 decibels root-mean-square (dB rms) (for vibratory pile driving/removal). For vibratory installation and removal of 12-inch H piles, the Level B harassment zone and monitoring zone is 1,000 m. For vibratory installation and removal of 24-inch steel sheet piles, the Level B harassment zone and monitoring zone is 4,642 m. For vibratory installation and removal of 30-inch steel pipe piles, the Level B harassment zone and monitoring zone is 8,577 m. These zones provide utility for monitoring conducted for mitigation purposes (*i.e.*, shutdown zone monitoring) by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring of the Level B harassment zones enables observers to be aware of and communicate the presence of marine mammals in the project area, and thus prepare for potential shutdowns of activity. The USACE must also gather information to help better understand the impacts of their planned activities on species and their behavioral responses.

#### Visual Monitoring

Monitoring must be conducted 30 minutes before, during, and 30 minutes after all pile driving/removal activities. In addition, PSOs must record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven/

removed. Pile driving/removal activities include the time to install, remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than thirty minutes.

Monitoring must be conducted by PSOs from on land and boat. The number of PSOs will vary from one to three, depending on the type of pile driving, method of pile driving and size of pile, all of which determines the size of the harassment zones. Monitoring locations must be selected to provide an unobstructed view of all water within the shutdown zone and as much of the Level B harassment zone as possible for pile driving activities. During vibratory driving or removal of sheet or H-piles, two PSOs must be present. One PSO must be located on the shoreline adjacent to the Material Off-loading Facility (MOF) site or on the barge used for driving piles. The other PSO must be boat-based and detect animals in the water, along with monitoring the three haulout sites in the Level B harassment zone (*i.e.*, Pigeon Point, Clam Island/North Spit, and South Slough). During vibratory driving and removal of 30-inch steel pipe piles, three PSOs must be present. As indicated above, one PSO must be on the shoreline or barge adjacent to the MOF site. A second PSO must be stationed near the South Slough haul out site, and the third PSO must be boat-based and make observations while actively monitoring at and between the two remaining haulout sites (*i.e.*, Pigeon Point and Clam Island).

In addition, PSOs must work in shifts lasting no longer than 4 hours with at least a 1-hour break between shifts, and must not perform duties as a PSO for more than 12 hours in a 24-hour period (to reduce PSO fatigue).

Monitoring of pile driving must be conducted by qualified, NMFS-approved PSOs, who must have no other assigned tasks during monitoring periods. The USACE must adhere to the following conditions when selecting PSOs:

- Independent PSOs must be used (*i.e.*, not construction personnel);
- At least one PSO must have prior experience working as a marine mammal observer during construction activities;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience;
- Where a team of three or more PSOs are required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience working as a marine

mammal observer during construction; and

- The USACE must submit PSO CVs for approval by NMFS for all observers prior to monitoring.

The USACE must ensure that the PSOs have the following additional qualifications:

- Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;
- Experience and ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior;
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary; and
- Sufficient training, orientation, or experience with the construction operations to provide for personal safety during observations.

#### Reporting of Injured or Dead Marine Mammals

In the unanticipated event that the planned activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as serious injury, or mortality, the USACE must immediately cease the specified activities and report the incident to the NMFS Office of Protected Resources and the West Coast Region Stranding Coordinator. The report must include the following information:

- Time and date of the incident;
- Description of the incident;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations and active sound source use in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;

- Fate of the animal(s); and
- Photographs or video footage of the animal(s).

Activities must not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with USACE to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The USACE must not resume their activities until notified by NMFS.

In the event the USACE discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), the USACE must immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Region Stranding Coordinator, NMFS. The report must include the same information as the bullets described above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the USACE to determine whether additional mitigation measures or modifications to the activities are appropriate.

In the event that the USACE discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the specified activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the USACE must report the incident to the Office of Protected Resources, NMFS, and the West Coast Region Stranding Coordinator, NMFS, within 24 hours of the discovery.

#### Final Report

The USACE must submit a draft report to NMFS no later than 90 days following the end of construction activities or 60 days prior to the issuance of any subsequent IHA for the project. PSO datasheets/raw sightings data must also be submitted with the reports. The USACE must provide a final report within 30 days following resolution of NMFS' comments on the draft report. Reports must contain, at minimum, the following:

- Date and time that monitored activity begins and ends for each day conducted (monitoring period);
- Construction activities occurring during each daily observation period, including how many and what type of piles driven;
- Deviation from initial proposal in pile numbers, pile types, average driving times, etc.;

- Weather parameters in each monitoring period (*e.g.*, wind speed, percent cloud cover, visibility);
- Water conditions in each monitoring period (*e.g.*, sea state, tide state);

- For each marine mammal sighting: species, numbers, and, if possible, sex and age class of marine mammals; number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zones, and estimates of number of marine mammals taken, by species (a correction factor may be applied to total take numbers, as appropriate); description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity; type of construction activity that was taking place at the time of sighting; location and distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point; and if shutdown was implemented, behavioral reactions noted and if they occurred before or after shutdown;

- Description of implementation of mitigation measures within each monitoring period (*e.g.*, shutdown or delay);

- Other human activity in the area within each monitoring period; and
- A summary of the following: total number of individuals of each species detected within the Level B Harassment Zone, and estimated as taken if correction factor appropriate (Level B harassment takes must be extrapolated based upon the number of observed takes and the percentage of the Level B Harassment Zone that was not visible); total number of individuals of each species detected within the Level A Harassment Zone and the average amount of time that they remained in that zone; and daily average number of individuals of each species (differentiated by month as appropriate) detected within the Level B Harassment Zone, and estimated as taken, if appropriate.

#### Determinations

The USACE's planned in-water construction activities as well as the mitigation, monitoring, and reporting requirements are unchanged from those in the initial Year 1 and Year 2 IHAs. The anticipated effects of the activities on the affected species and stocks and the estimated take of each species and stock also remain unchanged. When issuing the initial IHAs, NMFS found that each year of the Coos Bay North Jetty Maintenance and Repairs Project would have a negligible impact to species or stocks' rates of recruitment

and survival and the amount of taking would be small relative to the population size of such species or stock (less than 10 percent). In conclusion, there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following for each IHA: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) the USACE's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of these IHAs) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHAs qualifies to be categorically excluded from further NEPA review.

#### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No take of ESA-listed marine mammals are authorized. Therefore, NMFS has determined that consultation under

section 7 of the ESA is not required for this action.

#### Authorization

As a result of these determinations, NMFS has issued two IHAs to the USACE for conducting the North Jetty Maintenance and Repairs Project in Coos Bay, Oregon over the course of two non-consecutive years, beginning September 2022 through February 2025, with the previously mentioned mitigation, monitoring, and reporting requirements incorporated.

Dated: August 19, 2022.

#### Kimberly Damon-Randall,

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

[FR Doc. 2022-18355 Filed 8-24-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC292]

#### Gulf of Mexico 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 Gulf of Mexico Fishery Management Council (Council) will hold a half-day meeting of its Joint Coral, Shrimp and Spiny Lobster Advisory Panels (AP) via webinar.

**DATES:** The meeting will take place Monday, September 12 from 1 p.m.–4 p.m., EDT.

**ADDRESSES:** The meeting will be held via webinar. Registration information will be available on the Council's website by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on the Meetings Tab and selecting Advisory Panel meetings, then Joint Coral, Shrimp and Spiny Lobster AP meeting.

*Council address:* Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Dr. Natasha Mendez-Ferrer, Fishery Biologist, [natasha.mendez@gulfcouncil.org](mailto:natasha.mendez@gulfcouncil.org) and Dr. Matt Freeman, Economist, [matt.freeman@gulfcouncil.org](mailto:matt.freeman@gulfcouncil.org), Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:**

#### Monday, September 12, 2022; 1 p.m.–4 p.m., EDT

The meeting will begin with Introductions of Members, Adoption of Agenda, and review of Scope of Work.

The APs will receive a presentation on the Florida Keys National Marine Sanctuary (FKNMS) Proposed Rule and will provide recommendations to the Council.

The Joint Advisory Panels will receive Public Comment and discuss any Other Business items if time allows.

—Meeting Adjourns

The meeting will be via webinar only. You may register for the webinar by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on the Advisory Panel meeting on the calendar. The Agenda is subject to change, and the latest version along with other meeting materials will be posted on [www.gulfcouncil.org](http://www.gulfcouncil.org) as they become available.

Although other non-emergency issues not on the agenda may come before the Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Advisory Panel will be restricted to those issues specifically identified in the agenda 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 action to address the emergency.

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

Dated: August 22, 2022.

#### Rey Israel Marquez,

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

[FR Doc. 2022-18350 Filed 8-24-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2022-OS-0107]

#### U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Notice of proposed changes to the rules of practice and procedure of the United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice announces a proposed addition and changes to the Rules of Practice and Procedure, United

States Court of Appeals for the Armed Forces. Although these rules of practice and procedure fall within the Administrative Procedure Act's exemptions for notice and comment, the Department, as a matter of policy, has decided to make these changes available for public review and comment before they are implemented.

**DATES:** Comments on the proposed changes must be received by September 26, 2022.

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

- *Federal eRulemaking Portal:* <http://www.regulations.gov>.

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

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

**FOR FURTHER INFORMATION CONTACT:** Malcolm H. Squires, Jr., Clerk of the Court, telephone (202) 761-1449.

**SUPPLEMENTARY INFORMATION:** This notice announces the following proposed addition of Rule 36B and changes to Rules 9(e), 21A, 30A(c), and 36(a) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces.

Dated: August 19, 2022.

#### Aaron T. Siegel,

Alternate OSD Federal Liaison Officer,  
Department of Defense.

#### Rule 9(e)

*Rule 9(e)—Clerk—currently reads:*

(e) Hours. The Clerk's office shall be open from 8:00 a.m. to 5:00 p.m. every day except Saturdays, Sundays, and legal holidays, or as otherwise ordered by the Court. *See* Rule 36(a). The Court is always open for filing of pleadings and other papers. A pleading or other paper may be filed outside of normal operating hours of the Clerk's office by delivery to Court security personnel on duty in the front lobby of the courthouse. Pleadings will be deemed filed on the date and time delivered to Court security personnel. Court security

personnel will notify the Clerk of the filing in accordance with procedures provided by the Clerk.

*The proposed change to Rule 9(e) would read:*

(e) Hours. The Clerk's office shall maintain regular operating hours every day except Saturdays, Sundays, and legal holidays, or as otherwise ordered by the Court. *See* Rule 36(a). A pleading or other paper may be filed at any time by delivery to Court security personnel on duty in the front lobby of the courthouse or by electronically filing in accordance with the "Guidelines for Electronic Filings of Pleadings" available on the Court's website. Pleadings will be deemed filed on the date and time delivered to Court security personnel or filed electronically. Court security personnel will notify the Clerk of the filing in accordance with procedures established by the Clerk.

*Comment:* Currently, Rule 9 makes no reference to the electronic filing system as a means of filing outside of the Court's regular operating hours. Electronic filing is the most common means by which counsel file outside of work hours. The proposed revision will make attorneys unfamiliar with the e-filing procedures of the Court aware of it and direct them to the proper guidelines. The operating hours have been removed because they do not accurately represent the hours during which an attorney may file directly with the Clerk's office.

#### Rules 21A

*Rules 21A—Submissions Under U.S. v. Grostefon—currently reads:*

(b) *Grostefon* issues shall be identified by counsel with particularity substantially in the following form:

\* \* \* \* \*

(c) *Grostefon* issues raised within 30 days of the filing of the supplement under Rule 19(a)(5)(c) are subject to and included within the 15-page limit in Rule 21A(a).

*The proposed change to Rule 21A would read:*

(b) *Grostefon* issues shall be identified by counsel with particularity and, where pertinent, references to the record of trial must be to the specific page in the record. *Grostefon* issues shall be presented substantially in the following form:

\* \* \* \* \*

(c) *Grostefon* issues raised within 30 days of the filing of the supplement under Rule 19(a)(5)(c) are subject to and included within the 15-page limit in Rule 21A(a). An appellee's answer to *Grostefon* issues may be filed no later

than 20 days after the filing of such issues.

*Comment:* The addition of pertinent page citations to the record for *Grostefon* submissions would greatly facilitate the analysis of the issue; the rule change recognized that certain *Grostefon* issues, such as sentence severity and general claims of innocence, are not amenable to citation to specific pages of the record. Presently, Rule 21A(c) does not provide a time frame within which the government must file its answer. The inclusion of such a time frame will create consistency for counsel and timely review by the Court.

#### Rule 30A(c)

*Rule 30A(c)—Factfinding—currently reads:*

(c) Remand for Factfinding. If an issue concerning an unresolved material fact may affect the Court's resolution of the case, a party may request, or the Court may *sua sponte* order, a remand of the case or the record to the Court of Criminal Appeals. If the record is remanded, the Court retains jurisdiction over the case. If the case is remanded, the Court does not retain jurisdiction, and a new petition for grant of review or certificate for review will be necessary if a party seeks review of the proceedings conducted on remand.

*The proposed change to Rule 30A(c) would read:*

(c) Remand for Factfinding. If an issue concerning an unresolved material fact may affect the Court's resolution of the case, a party may request, or the Court may *sua sponte* order, a remand of the case or the record to the Court of Criminal Appeals. If the record is remanded, the Court retains jurisdiction over the case. *See* Article 66(f)(3), UCMJ, 10 U.S.C. 866(f)(3) (2018). If the case is remanded, the Court does not retain jurisdiction, and a new petition for grant of review or certificate for review will be necessary if a party seeks review of the proceedings conducted on remand.

*Comment:* The cite to Article 66(f)(3) reflects legislation regarding *DuBay* hearings. *See United States v. DuBay*, 37 C.M.R. 411 (C.M.A. 1967).

#### Rule 36(a)

*Rule 36(a)—Filing of Pleadings—currently reads:*

(a) In General. Pleadings or other papers relative to a case shall be filed in the Clerk's office, 450 E Street Northwest, Washington, DC 20442–001, either in person, by mail, by third-party commercial carrier. *See* Rule 37(b)(2).

*The proposed change to Rule 21(b) would read:*

(a) In General. Pleadings or other papers relative to a case shall be filed in the Clerk's office, 450 E Street Northwest, Washington, DC 20442–001, either in person, by mail, by third-party commercial carrier, or by electronic filing. *See* Rule 37(b)(2). Documents submitted online must conform to the "Guidelines for Electronic Filings of Pleadings" available on the Court's website.

*Comment:* Presently, Rule 36 makes no reference to electronic filing—the most common method utilized by attorneys—or the Court's guidelines for e-filing. The most common practice for e-filing procedures is to have a separate handbook available online, as the Court does, rather than included in the Rules of Practice and Procedure of the Court or as a separate rule. The U.S. Court of Appeals for the Federal Circuit has no numerical rule, but the Foreword to the Rules of Appellate Procedure provides a link to a separate handbook. Rule 29.7 of the Rules of the Supreme Court of the United States references separate electronic filing guidelines. Rule 29.7 states only: ". . . all filers who are represented by counsel must submit documents to the Court's electronic filing system in conformity with the 'Guidelines for the Submission of Documents to the Supreme Court's Electronic Filing System.'"

Additionally, Rule 25(a)(1) of the U.S. Court of Veterans Claims' Rules of Practice and Procedure directs to that Court's E-Rules. Updating Rule 36(a) to include the information on e-filing will bring our Court in line with the Article III and other Article I courts, and will provide the reader with clear and accurate instructions on filing with this Court.

#### Rule 36B

*The proposed Rule 36B would read:*

Any reference to the Uniform Code of Military Justice or the Manual for Courts-Martial, United States, in any pleading or other paper filed with the Court, shall cite the relevant version of the statute, rule, or other provision, by date of edition.

*Comment:* As the UCMJ and the MCM continue to change, it is imperative that it is clear exactly which version of the statute the parties are relying upon. Including this new rule will allow the Court to proceed with certainty on whether the law put forth by counsel has changed since the initial pleading, whether counsel is relying on an outdated version of the statute, and

whether it may now be inappropriate or inapplicable.

[FR Doc. 2022-18259 Filed 8-24-22; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-498-000]

#### Columbia Gas Transmission, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Virginia Electrification Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Virginia Electrification Project (Project), proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket. Columbia requests authorization to construct and operate natural gas facilities in Virginia. The Project is designed to provide 35,000 dekatherms per day of incremental mainline capacity on Columbia's pipeline system. The Project would address a request from Columbia Gas of Virginia, an unaffiliated local distribution company, for firm transportation service to meet growing energy demand in the southeast Virginia market area off of Columbia's existing VM-107, VM-108, and VM-109 pipelines.

This draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). Columbia's Project facilities include: one zero emission electric motor compressor unit at the Boswells Tavern Compressor Station located in Louisa County; facility modifications to the Boswells Tavern point of receipt located in Louisa County to allow for increased capacity; replacement of all five existing gas-powered compressor units at the Goochland Compressor Station, located in Goochland County, with new units that will run exclusively on electric motors, but will have the ability to run on gas in order to ensure reliability; and change the status of an existing compressor unit from backup mode to active mode and increase the site-rated station horsepower to 5,500 horsepower at the Petersburg Compressor Station located in Prince George County. The FERC staff concludes that approval of the proposed Project, with the

mitigation measures recommended in the EIS, would result in some adverse environmental impacts; however, with the exception of climate change impacts, those impacts would not be significant. The EIS is not characterizing the Project's greenhouse gas emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.<sup>1</sup> The EIS also concludes that no system, route, or other alternative would meet the Project objective while providing a significant environmental advantage over the Project as proposed.

The Commission mailed a copy of the *Notice of Availability of the Draft Environmental Impact Statement for the Proposed Virginia Electrification Project* to federal, state, and local government representatives and agencies; local libraries; newspapers; elected officials; Native American Tribes; and other interested parties. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website ([www.ferc.gov](http://www.ferc.gov)), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environmental-documents>). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>) select "General Search" and enter the docket number in the "Docket Number" field (*i.e.*, CP21-498-000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on the draft EIS's disclosure and discussion of potential environmental effects, measures to avoid or lessen environmental impacts and the completeness of the submitted alternatives, information, and analyses. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on October 11, 2022.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing

of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to *FERC Online*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to *FERC Online*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21-498-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

#### Questions?

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website ([www.ferc.gov](http://www.ferc.gov)) using the *eLibrary* link. The *eLibrary* link also



provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: August 19, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022-18332 Filed 8-24-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-486-000]

#### Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Appalachia to Market II and Enriken HP Replacement Project and Request for Comments on Environmental Issues, and Schedule for Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Appalachia to Market II and Enriken HP Replacement Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Lebanon, Indiana, and Huntingdon counties, Pennsylvania. The Commission will use this EIS in its decision-making process to determine whether the Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the *Schedule for Environmental Review* section of this notice.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result

from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission’s NEPA process is described below in the *NEPA Process and the EIS* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document, including comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on September 19, 2022. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or oversee the exercise of eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) under the Natural Gas Questions or Landowner Topics link.

### Public Participation

There are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22-486-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

### Summary of the Proposed Project, the Project Purpose and Need, and Expected Impacts

Texas Eastern proposes to abandon certain facilities and to construct, install, own, operate, and maintain facilities in Lebanon, Indiana, and Huntingdon counties in Pennsylvania. According to Texas Eastern, the Project is designed to improve reliability on the Texas Eastern system by replacing an

older gas-driven compressor unit with an electric-motor driven (EMD) compressor unit at each of two compressor stations. The Project is designed to provide up to 55,000 dekatherms per day of additional firm natural gas transportation service from the Appalachia supply basin in Southwest Pennsylvania to existing local distribution company customers in New Jersey.

The general location of the Project facilities is shown in appendix 1.<sup>1</sup>

The Project would consist of the following facilities:

- the Line 28 Loop in Lebanon County, Pennsylvania, which includes installation of approximately 2 miles of 36-inch-diameter looping pipeline beginning at the terminus of Texas Eastern's existing Line 28;
- a new receiver, valve, and crossover site at the end of the Line 28 Loop to replace the existing receiver at the end of the existing Line 28;
- the Armagh Compressor Station Modifications in Indiana County, Pennsylvania, which includes installation of a 27,000 horsepower EMD compressor unit to replace an existing 22,000 hp gas-driven turbine compressor unit, construction of a new electric substation to provide power to the EMD compressor, and associated facilities; and
- the Entriaken Compressor Station Modifications in Huntingdon County, Pennsylvania, which includes the installation of a 24,000 hp EMD compressor unit to replace an existing 22,000 hp gas-driven turbine compressor unit, construction of a new electric substation to provide power to the EMD compressor, and associated facilities.

Based on the environmental information provided by Texas Eastern, construction of the proposed facilities would disturb about 155 acres of land for the aboveground facilities and the pipeline. Following construction, Texas would maintain about 79.0 acres for operation of the Project facilities, and the remaining acreage would be restored and revert to former uses. The Line 28 Loop would be installed adjacent to

Texas Eastern's existing lines within and adjacent to Texas Eastern's existing right-of-way. The Armagh and Entriaken Compressor Station Modifications would occur fully within the parcels owned by Texas Eastern, primarily within the fence line of existing facilities.

Based on an initial review of Texas Eastern's proposal, Commission staff have identified several expected impacts that deserve attention in the EIS, including visual impacts, greenhouse gas emissions, and potential impacts on special status species, environmental justice communities, and air quality.

#### The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomics and environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary<sup>2</sup> and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

#### Alternatives Under Consideration

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action. Alternatives currently under consideration include:

- the no-action alternative, meaning the Project is not implemented; and
- a system alternative evaluating whether the Project purpose could be met by use of an existing pipeline system.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact.

#### Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the Project's potential effects on historic properties.<sup>3</sup> The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

#### Schedule for Environmental Review

On July 19, 2022, the Commission issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final EIS for the Project. This notice identifies the Commission staff's planned schedule for completion of the final EIS for the Project, which is based on an issuance of the draft EIS in February 2023.

Issuance of Notice of Availability of the final EIS—July 14, 2023  
90-day Federal Authorization Decision Deadline<sup>4</sup>—October 12, 2023

<sup>3</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

<sup>4</sup> The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations,

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary". For instructions on connecting to eLibrary, refer to the last page of this notice. 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 FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (886) 208-3676 or TTY (202) 502-8659.

<sup>2</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

**Permits and Authorizations**

The table below lists the anticipated permits and authorizations for the

Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission's EIS and may adopt the

EIS to satisfy its NEPA responsibilities related to this Project. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

**ENVIRONMENTAL PERMITS, APPROVALS, AND CONSULTATIONS**

Agency	Permit or clearance required
Federal Energy Regulatory Commission .....	Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act.
U.S. Army Corps of Engineers (USACE), Baltimore and Pittsburgh District(s).	Clean Water Act Section 404, Pennsylvania State Programmatic General Permit.
Pennsylvania Department of Environmental Protection (PADEP) Regional Permit Coordination Office.	Clean Water Act Section 401, Water Quality Certification.
U.S. Department of Interior, Fish and Wildlife Service (USFWS), Pennsylvania Field Office.	Section 7 Endangered Species Act Consultation; Migratory Bird Treaty Act Consultation.
Pennsylvania State Historic Preservation Office (SHPO) .....	National Historic Preservation Act, Section 106 Consultation.

**Environmental Mailing List**

This notice is being sent to the Commission's current environmental mailing list for the Project which includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to [GasProjectAddressChange@ferc.gov](mailto:GasProjectAddressChange@ferc.gov) stating your request. You must include

the docket number CP22-486-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

**Additional Information**

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP22-486). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: August 19, 2022.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2022-18335 Filed 8-24-22; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP22-1134-000.  
*Applicants:* Florida Gas Transmission Company, LLC.

*Description:* § 4(d) Rate Filing: Flex Fuel Filing on 8-19-22 to be effective 9/1/2022.

*Filed Date:* 8/19/22.  
*Accession Number:* 20220819-5051.  
*Comment Date:* 5 p.m. ET 8/31/22.

*Docket Numbers:* RP22-1135-000.  
*Applicants:* Stingray Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing: Updates Related to Quality to be effective 9/19/2022.

*Filed Date:* 8/19/22.  
*Accession Number:* 20220819-5054.  
*Comment Date:* 5 p.m. ET 8/31/22.

*Docket Numbers:* RP22-1136-000.  
*Applicants:* Cadeville Gas Storage LLC.

*Description:* § 4(d) Rate Filing: Cadeville Gas Storage LLC Revisions to

permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per

18 CFR 157.22(a), the Commission's deadline for

other agency's decisions applies unless a schedule is otherwise established by federal law.

FERC Gas Tariff to be effective 8/19/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5065.

*Comment Date:* 5 p.m. ET 8/31/22.

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 19, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022–18334 Filed 8–24–22; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14876–002]

#### Western Minnesota Municipal Power Agency; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of ILP Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for an Original License and Commencing Pre-filing Process.

b. *Project No.:* 14876–002.

c. *Dated Filed:* June 28, 2022.

d. *Submitted By:* Western Minnesota Municipal Power Agency (Western Minnesota Power).

e. *Name of Project:* Gregory County Pumped Storage Project.

f. *Location:* The project would be located in Gregory and Charles Mix Counties, South Dakota. The project would use Lake Francis Case, which is formed by the U.S. Army Corps of Engineers' (Corps) Fort Randall Dam at

river mile 880 on the Missouri River, as its lower reservoir. The project would include the construction of a new upper reservoir located on the western side of Lake Francis Case approximately 38 river miles upstream of Fort Randall Dam. The project would be located primarily on private and state lands, but would also occupy an unknown acreage of federal land.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Applicant Contacts:* Terry Wolf, Second Assistant Secretary, Western Minnesota Municipal Power Agency, P.O. Box 88920, Sioux Falls, SD 57109–8920; (605) 330–6977; [Terry.Wolf@mrenergy.com](mailto:Terry.Wolf@mrenergy.com).

Tim Sullivan, Gomez and Sullivan Engineers, D.P.C., 41 Liberty Hill Road, P.O. Box 2179, Henniker, NH 03242; (603) 428–4960; [timsullivan@gomezandsullivan.com](mailto:timsullivan@gomezandsullivan.com).

i. *FERC Contacts:* Aaron Liberty at (202) 502–6862 or email at [aaron.liberty@ferc.gov](mailto:aaron.liberty@ferc.gov); or Nicholas Ettema at (312) 596–4447 or email at [nicholas.ettema@ferc.gov](mailto:nicholas.ettema@ferc.gov).

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Western Minnesota Power as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Western Minnesota Power filed with the Commission a Pre-Application Document (PAD, including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (<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. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659. A copy of the PAD is also available for public inspection during normal business hours at Missouri River Energy Services' offices located at 3724 West Avera Drive, Sioux Falls, SD 57109.

You may register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the addresses above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at <https://ferconline.ferc.gov/ferconline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Gregory County Pumped Storage Project (P–14876–002).

*All filings with the Commission must bear the appropriate heading:* "Comments on Pre-Application Document," "Study Requests," "Comments on Scoping Document 1," "Request for Cooperating Agency

Status,” or “Communications to and from Commission Staff.” Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by October 26, 2022.

p. The Commission’s scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an environmental assessment or Environmental Impact Statement.

### Scoping Process

Due to ongoing concerns with large gatherings related to COVID-19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. Additionally, a virtual site tour of the proposed project should be posted on Western Minnesota Power’s licensing website prior to the scoping meetings. Visuals included in the virtual site tour will be referenced during Western Minnesota Power’s presentation of the project during the scoping meetings. The dates and times of the meetings as well as how to access the virtual site tour are listed below.

#### Virtual Site Tour of the Project

Access online at: <https://www.mrenergy.com/energy-resources/gregory-county-pumped-storage-project>

#### Meeting for Resource Agencies, Tribes, and NGOs

Thursday, September 22, 2022, 10:00 a.m.–12:00 p.m. CDT, Call in number: (800) 779-8625, Access code: 3472916

Following entry of the access code, please provide the required details when prompted.

#### Meeting for the General Public

Thursday, September 22, 2022, 6:00 p.m.–8:00 p.m. CDT, Call in number: (800) 779-8625, Access code: 3472916

Following entry of the access code, please provide the required details when prompted.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission’s mailing list and Western Minnesota Power’s distribution list. Copies of SD1 may be viewed on the web at <http://www.ferc.gov>, using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 will include a revised process plan and schedule, as well as a list of issues, based on the scoping process.

### Meeting Objectives

At the scoping meetings, Commission staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission’s regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the potential of any federal or state agency or Indian tribe to act as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

### Meeting Procedures

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for comments and questions. We ask for your patience as staff present information and field participant comments in an orderly manner. To indicate you have a question or comment, press \* and 3 to virtually “raise your hand.” Oral comments will be limited to 5 minutes in duration for each participant. The meetings will be recorded by a stenographer and will be filed to the public record of the project.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants

have presented their oral comments or at the specified end time, whichever occurs first.

Dated: August 19, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-18336 Filed 8-24-22; 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:* EC22-110-000.

*Applicants:* Consumers Energy Company, New Covert Generating Company, LLC.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Consumers Energy Company, et al.

*Filed Date:* 8/18/22.

*Accession Number:* 20220818-5162.

*Comment Date:* 5 p.m. ET 9/8/22.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG22-207-000.

*Applicants:* MTSun LLC.

*Description:* MTSun LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819-5021.

*Comment Date:* 5 p.m. ET 9/9/22.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER21-21-004.

*Applicants:* Harts Mill Solar, LLC.

*Description:* Compliance filing: Revised Live Tariff Records in Docket ER21-000 to be effective 12/29/2020.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819-5120.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22-1610-001.

*Applicants:* Big River Solar, LLC.

*Description:* Compliance filing: Revised Rate Schedule FERC No. 1 to be effective 7/1/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819-5109.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22-2672-001.

*Applicants:* American Municipal Power, Inc., PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: American Municipal Power, Inc. submits tariff filing per 35.17(b): Correction to Second Revised NITSA,

SA No. 4264—Docket No. ER22–2672 to be effective 8/3/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5057.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2688–000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): AMEA NITSA Amendment Filing (Add Sylacauga No. 3 DP) to be effective 7/21/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5000.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2689–000.

*Applicants:* MTSun LLC.

*Description:* Baseline eTariff Filing: MTSun LLC MBR Application Filing to be effective 8/20/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5053.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2690–000.

*Applicants:* PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: PPL Electric Utilities Corporation submits tariff filing per 35.13(a)(2)(iii): PJM TOs propose OATT, Schedule 12—Appx C for State Agreement Approach Projects to be effective 10/19/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5064.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2691–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2022–08–19\_SA 6521 MISO-Union Electric SSR Agreement for Rush Island to be effective 9/1/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5074.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2692–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2022–08–19\_Submittal of Schedule 43K Rush Island SSR Cost Allocation to be effective 9/1/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5095.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2693–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original IISA, Service Agreement No. 6573; Queue No. AF2–083 to be effective 7/20/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5098.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2694–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5809; Queue No. AF2–273 re: breach to be effective 5/25/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5119.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2695–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5546; Queue No. AE2–056 re: breach to be effective 6/27/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5127.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2696–000.

*Applicants:* PacifiCorp.

*Description:* § 205(d) Rate Filing: ESM Const Agmt Klamath Decommissioning to be effective 10/19/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5129.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–2697–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5547; Queue No. AE2–081 re: breach to be effective 6/27/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5137.

*Comment Date:* 5 p.m. ET 9/9/22.

*Docket Numbers:* ER22–834–004.

*Applicants:* PacifiCorp.

*Description:* Compliance filing: OATT Revised LGIP & SGIP Compliance Filing 8/19/2022 to be effective 4/1/2022.

*Filed Date:* 8/19/22.

*Accession Number:* 20220819–5125.

*Comment Date:* 5 p.m. ET 9/9/22.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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 19, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022–18333 Filed 8–24–22; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL22–82–000]

#### El Paso Electric Company; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On August 19, 2022, the Commission issued an order in Docket No. EL22–82–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation into whether El Paso Electric Company's Large Generator Interconnection Procedures are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful and to establish a refund effective date.<sup>1</sup> *El Paso Electric Company*, 180 FERC ¶ 61,104 (2022).

The refund effective date in Docket No. EL22–82–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL22–82–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2021), within 21 days of the date of issuance of the order.

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

<sup>1</sup> The section 206 investigation will extend to any affiliate of Applicant with market-based rate authorization.

assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: August 19, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-18338 Filed 8-24-22; 8:45 am]

BILLING CODE 6717-01-P

## FEDERAL TRADE COMMISSION

[File No. 222 3096]

### Electrowarmth Products, LLC; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before September 26, 2022.

**ADDRESSES:** Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write “Electrowarmth Products, LLC; File No. 222 3096” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Julia Ensor (202-326-2377), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 26, 2022. Write “Electrowarmth Products, LLC; File No. 222 3096” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Because of heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write “Electrowarmth Products, LLC; File No. 222 3096” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually

identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the <https://www.regulations.gov> website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 26, 2022. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Electrowarmth Products, LLC and Daniel W. Grindle (“Respondents”).

The proposed consent order has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission

will again review the agreement and the comments received and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves Respondents' advertising of textile fiber products as "Made in USA." According to the FTC's complaint, Respondents labeled and advertised "bunk warmer" mattress pads for truck bunks as made in the United States. The complaint alleges, however, that in numerous instances those bunk warmer pads were wholly imported from China. Based on the foregoing, the complaint alleges Respondents violated sections 70a and 70b of the Textile Fiber Products Identification Act, 15 U.S.C. 70a and 70b, and sections 303.33 and 303.34 of the Textile Fiber Rule, 16 CFR 303.33 and 303.34.

The proposed consent order contains provisions designed to prevent Respondents from engaging in similar acts and practices in the future. Consistent with the FTC's Made in USA Labeling Rule, 16 CFR part 323, and its Enforcement Policy Statement on U.S.-Origin Claims, Part I of the proposed order prohibits Respondents from making U.S.-origin claims for their products unless: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing; or (3) for a claim that a product is assembled in the United States, the product is last substantially transformed in the United States, the product's principal assembly takes place in the United States, and United States assembly operations are substantial.

Part II prohibits Respondents from making any representation about the country of origin of a product or service, unless the representation is not misleading, and Respondents have a reasonable basis substantiating it. Part III requires Respondents to make certain disclosures about the country of origin of any product subject to the Textile Fiber Products Identification Act.

Parts IV through VI are monetary provisions. Part IV imposes a judgment of \$815,809, and fully suspends that judgment based on the Respondents' sworn financial statements. If the Commission concludes any Respondent

made a material misrepresentation or omission in that Respondent's sworn financial statement, the suspension as to that Respondent is lifted and the full judgment immediately due. Part V includes additional monetary provisions relating to collections. Part VI requires Respondents to provide sufficient customer information to enable the Commission to administer consumer redress, if appropriate.

Part VII is a notice provision requiring Respondents to identify and notify certain consumers of the FTC's action within 30 days after the issuance of the order, or within 30 days of the consumer's identification, if identified later. Respondents are also required to submit reports regarding their notification program.

Parts VIII through XI are reporting and compliance provisions. Part VIII requires Respondents to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part IX requires Respondents to file a compliance report within one year after the order becomes final and to notify the Commission within 14 days of certain changes that would affect compliance with the order. Part X requires Respondents to maintain certain records, including records necessary to demonstrate compliance with the order. Part XI requires Respondents to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview Respondents' personnel.

Finally, Part XII is a "sunset" provision terminating the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

**Joel Christie,**

*Acting Secretary.*

[FR Doc. 2022-18313 Filed 8-24-22; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program Data (NEW COLLECTION)

**AGENCY:** Office on Trafficking in Persons, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office on Trafficking in Persons (OTIP), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new grant program: SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program Data.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all requests by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* The SOAR Demonstration Grant Program was developed in response to the Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386), section 106(b), as amended (22 U.S.C. 7104(b)(1)) and 22 U.S.C. 7105(b)(1)(B), which calls on agencies to "increase public awareness of the dangers of trafficking and the protections that are available for victims of trafficking" and provide "services to assist potential victims of severe forms of trafficking in persons." The program's goal is to fund the implementation of SOAR trainings and capacity building efforts to identify, treat, and respond to patients or clients who have experienced severe forms of human trafficking as defined by the TVPA of 2000, as amended, among their patient or client population. SOAR is a nationally recognized, accredited training program delivered by OTIP's National Human Trafficking Training and Technical Assistance Center (NHTTAC) and designed to help target audiences identify and respond to those who are at risk of, are currently



experiencing, or have experienced trafficking and connect them with needed resources.

OTIP proposes to collect information to measure grant project performance, provide technical assistance to grant recipients, assess program outcomes, inform program evaluation, respond to congressional inquiries and mandated reports, and inform policy and program development that is responsive to the needs of victims.

The information collection will capture information on organizations enrolled in each grant recipient’s multidisciplinary network of providers

servicing individuals who have experienced, or are at-risk of experiencing, a severe form of trafficking in persons, and clients served. Data elements are designed to capture information about organizational providers (e.g., number of individuals trained to identify and respond to trafficking, types and number of trainings offered, types of services provided, number of clients enrolled in services, organizational barriers to service delivery and implementation, and total funds spent by category of assistance) and client demographics (e.g., total number of

clients enrolled in services by providers within the recipient’s multidisciplinary network by client age, sex, gender identity, sexual orientation, race/ethnicity, and language spoken).

*Respondents:* Healthcare, behavioral health, and social service delivery professionals.

**Annual Burden Estimates**

Recipients will be awarded funding for a 5-year period. This request is for the first 3 years of data collection. We will request an extension to continue data collection beyond 3 years.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Provider Capacity Building Indicators .....	75	4	1	300	100
SOAR Demonstration Grant Participant Training Form .....	4500	1	0.75	3375	1125
Client Demographics Indicators .....	2000	4	1	8000	2667
Human Trafficking Response Protocol (HTPR) Indicators ..	75	4	2.5	750	250
Multidisciplinary Network Provider Indicators .....	75	4	0.5	150	50
Categories of Assistance Form .....	75	1	2.5	188	63

*Estimated Total Annual Burden Hours:* 4,255.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 22 U.S.C. 7104.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2022–18331 Filed 8–24–22; 8:45 am]

**BILLING CODE 4184–47–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Building Capacity To Evaluate Child Welfare Community Collaborations To Strengthen and Preserve Families (CWCC) Cross-Site Process Evaluation (Office of Management and Budget (OMB) #0970–0541)**

**AGENCY:** Office of Planning, Research, and Evaluation (OPRE); Administration for Children and Families (ACF); U.S. Department of Health and Human Services (HHS).

**ACTION:** Request for public comments.

**SUMMARY:** The Administration for Children and Families at HHS is requesting an extension to continue data collection for an evaluation of the initiative, Community Collaborations to Strengthen and Preserve Families (also referred to as Child Welfare Community Collaborations [CWCC]). The cross-site process evaluation will provide insight to ACF about the various factors that promote or impede the implementation of child welfare community collaborations.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects

of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing *OPREinfocollection@acf.hhs.gov*. Identify all requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The evaluation involves seven data collection activities. Initial interviews with Project Directors and leaders from partner organizations and initial interviews with staff from lead and partner organizations have been completed. This request includes the remaining five activities:

- *Survey Invitee Template:* This template requests the Project Director of each CWCC grant to fill out a Survey Invitee Template to gather contact information for leaders and staff from lead and partner organizations who the evaluation team will invite to complete the Collaboration Survey (see below).

- *Collaboration Survey:* This electronic survey documents perceptions that leaders and staff from the CWCC lead and partner organizations have regarding their organizational/group processes, implementation activities, and progress towards goals. This survey is administered to staff at all grantee and partner organizations on an annual basis during each cohort’s grant period.

- *Site Visit Planning Template:* Each project director (or their designee) will complete a Site Visit Planning Template

to schedule site visit activities prior to each annual site visit.

- *Two Site Visit Discussion Guides:* To systematically document the approaches and strategies used by the first two cohorts of CWCC grantees (fiscal year (FY) 18 and FY 19

awardees), the evaluation team will conduct follow-up interviews with: (1) Project Directors from lead grantee organizations and leaders from partner organizations, and (2) Staff from the lead and partner organizations. These interviews will take place during site

visits. Each grantee will participate in four site visits in total. As noted above, the first two have already been completed.

*Respondents:* Leadership and staff from CWCC lead (grantee) organizations and from partner organizations.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents (over request period)	Number of responses per respondent (total over request period)	Average burden hours per response (in hours)	Total burden (in hours)	Annual burden (in hours)
<b>Cohort 1 Data Collection for FY 18 grantees</b>					
Site Visit Discussion Guide for Project Directors and Leaders from Partner Organizations—Follow-Up Interviews ...	12	1	1.5	18	9
Site Visit Discussion Guide for Staff from Lead and Partner Organizations—Follow-Up Interviews .....	36	1	1	36	18
Survey Invitee Template .....	4	1	1	4	2
Annual Collaboration Survey .....	268	1	.5	134	67
Site Visit Planning Template .....	4	1	2	8	4
<b>Cohort 2 Data Collection for FY19 grantees</b>					
Site Visit Discussion Guide for Project Directors and Leaders from Partner Organizations—Follow-Up Interviews ...	27	2	1.5	81	41
Site Visit Discussion Guide for Staff from Lead and Partner Organizations—Follow-Up Interviews .....	81	2	1	162	81
Survey Invitee Template .....	9	2	1	18	9
Annual Collaboration Survey .....	990	2	.5	990	495
Site Visit Planning Template .....	9	2	2	36	18

*Estimated Total Annual Burden Hours:* 744.

*Comments:* The Department specifically requests comments on (a) whether the proposed continued collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* Section 105(b)(5) of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5106(b)(5)), as amended by the CAPTA Reauthorization Act of 2010 (Pub. L. 111–320).

**Mary B. Jones,**  
ACF/OPRE Certifying Officer.

[FR Doc. 2022–18327 Filed 8–24–22; 8:45 am]

BILLING CODE 4184–29–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA–2013–N–0370]

**Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Export of Medical Devices; Foreign Letters of Approval**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. **DATES:** Submit written comments (including recommendations) on the collection of information by September 26, 2022.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under

Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910–0264. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Export of Medical Devices; Foreign Letters of Approval**

*OMB Control Number 0910–0264—Extension*

Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 381(e)(2)) provides for the exportation of an unapproved device under certain circumstances if the exportation is not contrary to the public health and safety and it has the approval of the foreign country to which it is

intended for export. Requesters communicate (either directly or through a business associate in the foreign country) with a representative of the foreign government to which they seek exportation, and written authorization must be obtained from the appropriate office within the foreign government approving the importation of the medical device.

An alternative to obtaining written authorization from the foreign government is to accept a notarized

certification from a responsible company official in the United States that the product is not in conflict with the foreign country's laws. This certification must include a statement acknowledging that the responsible company official making the certification is subject to the provisions of 18 U.S.C. 1001. This statutory provision makes it a criminal offense to knowingly and willingly make a false or fraudulent statement, or make or use a false document, in any manner within

the jurisdiction of a department or Agency of the United States. Respondents to this collection of information are companies that seek to export medical devices.

In the **Federal Register** of January 28, 2022 (87 FR 4609) we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of the collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity and FD&C Act section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Foreign letter of approval—801(e)(2) .....	36	1	36	2	72	\$8,250

<sup>1</sup> There are no capital costs associated with this collection of information.

Our estimate of the reporting burden is based on our experience with the information collection and reflects an overall decrease of 27 hours and a corresponding increase of three responses. We attribute this adjustment to an increase in the number of submissions received.

Dated: August 17, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022–18326 Filed 8–24–22; 8:45 am]

BILLING CODE 4164–01–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Agency Information Collection Activities: Proposed Collection: Public Comment Request**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than October 24, 2022.

**ADDRESSES:** Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer at (301) 443–9094.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the information collection request title for reference.

*Information Collection Request Title:* Membership Forms for Organ Procurement (OPTN) and Transplantation Network OMB No. 0915–0184 – Revision.

*Abstract:* Membership in the OPTN is determined by submission of application materials to the OPTN (not to HRSA) demonstrating that the applicant meets all required criteria for membership and will agree to comply with all applicable provisions of the National Organ Transplant Act, as amended, 42 U.S.C. 273, *et seq.*, the OPTN final rule, OPTN Policies, and OPTN Bylaws. Section 1138 of the Social Security Act, as amended, 42 U.S.C. 1320b–8 (section 1138) requires that hospitals in which transplants are performed by members of, and abide by, the rules and requirements of the OPTN (that have been approved by the Secretary of HHS) as a condition of participation in Medicare and Medicaid.

*Need and Proposed Use of the Information:* The application materials

are needed to ensure that all members and prospective members of the OPTN submit evidence that they meet the required qualifications for membership. These materials provide the OPTN with information to permit the OPTN to confirm and demonstrate that applicants meet OPTN membership application requirements and to create a record of the application review process and resulting actions for consideration by the Secretary of HHS if an applicant subsequently appeals a membership rejection by the OPTN.

This is a request to revise the current OPTN data collection associated with transplant hospitals, organ procurement organizations, transplant histocompatibility laboratories, medical/scientific and public organizations, business organizations, and individuals to meet or sustain requirements for OPTN membership to include data collection forms for OPTN member hospitals requesting HIV Organ Policy Equity (HOPE) Act Variances and Kidney Paired Donation Pilot Program (KPDPP) contact update form. This revision also includes changes to the existing OMB data collection forms. HRSA is submitting the following changes to the Membership forms to clarify requirements and eliminate redundancy while adding more explanatory language and instruction to the applications, which include:

(1) Adding two new data collection forms for HOPE Act Variance Request and KPDPP contact update form. The HOPE Act Variance Request is for any OPTN member transplant program that wishes to start a variance to receive HIV-positive organs for their HIV-positive patients. The KPDPP contact

update is a form that indicates contact information for programs participating in the KPDP.

(2) Adding three standalone forms for revised data collection: Primary Program Administrator, Primary Data Coordinator, and Additional Surgeon and Physician. All three of these forms include data previously collected on other OMB- approved forms in this package but now will be standalone forms for greater ease of use for the applicant.

- The Primary Program Administrator data collection form includes data previously collected in each organ-specific application form. Users will only have to complete one form of the proposed Primary Program Administrator serves in that role for multiple programs.

- The Primary Data Coordinator collection form includes data previously collected in each organ-specific application form. This form will be used for organ procurement organizations, histocompatibility lab members, and organ transplant programs so that one

standalone form will serve all three member types.

- The Additional Surgeon and Physician data collection form includes data previously collected in the Certificate of Assessment and Program Coverage Plan (COA/PCP) Membership Application form. Users will only have to complete one form if the proposed Surgeon and Physician serve in that role for multiple programs.

The organ-specific application forms have been revised to include the information found in the Certificate of Assessment and Program Coverage Plan Membership Application (COA/PCP). The information found in the COA/PCP has been embedded into all of the organ-specific application forms, negating the need for an independent data collection form.

*Likely Respondents:* New and existing transplant hospitals, organ procurement organizations, histocompatibility laboratories, medical/scientific organizations, public organizations, businesses, and individual members.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The total burden hours in the OMB inventory increased by 898 hours from the previously OMB-approved data collection package from August 20, 2020. This increase is due in part to including new membership forms.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents <sup>1</sup>	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
OPTN Membership Application for Transplant Hospitals ....	251	0.28	70	4	280
OPTN Membership Application for Kidney Transplant Programs .....	234	0.56	132	8	1,056
OPTN Membership Application for Liver Transplant Programs .....	143	0.59	85	13	1,105
OPTN Membership Application for Pancreas Transplant Programs .....	120	0.26	32	13	416
OPTN Membership Application for Heart Transplant Programs .....	145	0.34	50	20.5	1,025
OPTN Membership Application for Lung Transplant Programs .....	72	0.64	46	9	414
OPTN Membership Application for Islet Transplant Programs <sup>2</sup> .....	19	0	0	5	0
OPTN Membership Application for Vascularized Composite Allograft (VCA) Transplant Programs .....	43	0.98	42	15.5	651
OPTN Membership Application for Intestine Transplant Programs .....	21	0.19	4	11	44
OPTN Membership Application for Organ Procurement Organizations (OPOs) .....	57	0.14	8	40	320
OPTN Membership Application for Histocompatibility Laboratories .....	141	0.21	30	2.5	75
OPTN Representative Form .....	1,760	0.02	37	0.25	9
OPTN Medical/Scientific Membership Application .....	10	0.3	3	0.75	2
OPTN Public Organization Membership Application .....	7	0.57	4	0.5	2
OPTN Business Membership Application .....	11	0.55	6	0.88	5
OPTN Individual Membership Application .....	8	0.88	7	0.25	2
OPTN Membership Application Surgeon or Physician Log <sup>3</sup> .....	0	0	0	0	0
Primary Program Administrator Form .....	1,562	0.047	74	0.25	19
Primary Data Coordinator Form .....	1,760	0.03	52	0.13	7
Additional Surgeon and Physician Request Form .....	1,562	0.0736	115	1.17	135
HOPE Act Variance Request Form <sup>4</sup> .....	68	0	0	1.33	0
Kidney Paired Donation Pilot Program (KPDP) contact update form .....	159	0.33	53	1.63	86
<b>Total = 22 forms .....</b>	<b>8,153</b>	<b>.....</b>	<b>850</b>	<b>.....</b>	<b>5,653</b>

1. The numbers of respondents were updated with the data as of December 31, 2021, and reflect changes in members' statuses.

<sup>2</sup> There were no Islet applications processed in 2021, hence no responses.

<sup>3</sup> The OPTN Membership Application Surgeon or Physician Log is an optional form. The information can also be submitted by the OPTN member using a different format. The burden to complete is built into the organ application data.

<sup>4</sup> There were no HOPE Act Variance Request forms processed in 2021, hence no responses.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2022-18356 Filed 8-24-22; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel: Mechanism for Time-Sensitive Research Opportunities in Environmental Health Sciences (R21).

*Date:* September 7, 2022.

*Time:* 11:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

*Contact Person:* Qingdi Quentin Li, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, (240) 858-3914, [liquenti@nih.gov](mailto:liquenti@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 22, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-18345 Filed 8-24-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research; 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:* NIDCR Special Grants Review Committee.

*Date:* October 20–21, 2022.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Dental & Craniofacial Research, 6701 Democracy Blvd. Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Nisan Bhattacharyya, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental & Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 668, Bethesda, MD 20892, 301-451-2405, [nisan.bhattacharyya@nih.gov](mailto:nisan.bhattacharyya@nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 22, 2022.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-18346 Filed 8-24-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[Docket No. USCBP-2022-0035]

#### Commercial Customs Operations Advisory Committee

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

**ACTION:** Committee management; notice of federal advisory committee meeting.

**SUMMARY:** The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, September 14, 2022, in Chicago, Illinois. The meeting will be open for the public to attend in person or via webinar. Due to COVID-19 restrictions, the in-person capacity is limited to 75 persons for public attendees.

**DATES:** The COAC will meet on Wednesday, September 14, 2022, from 2:00 p.m. to 6:00 p.m. EDT/1:00 p.m. to 5:00 p.m. CDT. Please note that the meeting may close early if the committee has completed its business. Registration to attend and comments must be submitted no later than September 9, 2022.

**ADDRESSES:** The meeting will be held at the Hilton Chicago O'Hare Airport, International Ballroom, located on the Lower Level, 10000 W Balmoral Ave., Chicago, IL 60666. For virtual participants, the webinar link and conference number will be provided to all registrants by 9:00 a.m. EDT on September 13, 2022. For information or to request special assistance for the meeting, contact Mrs. Latoria Martin, Office of Trade Relations, U.S. Customs and Border Protection, at (202) 344-1440 as soon as possible.

Comments may be submitted by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for Docket Number USCBP–2022–0035. To submit a comment, click the “Comment” button located on the top-right hand side of the docket page.

• *Email:* [tradeevents@cbp.dhs.gov](mailto:tradeevents@cbp.dhs.gov). Include Docket Number USCBP–2022–0035 in the subject line of the message.

Comments must be submitted in writing no later than September 9, 2022, and must be identified by Docket No. USCBP–2022–0035. All submissions received must also include the words “Department of Homeland Security.” All comments received will be posted without change to <https://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings> and [www.regulations.gov](http://www.regulations.gov). Therefore, please refrain from including any personal information you do not wish to be posted. You may wish to view the Privacy and Security Notice which is available via a link on the homepage of [www.regulations.gov](http://www.regulations.gov).

See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Latoria Martin, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229, (202) 344–1440; or Ms. Valarie M. Neuhart, Designated Federal Officer, at (202) 344–1440.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the authority of the Federal Advisory Committee Act, 5 U.S.C. appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

*Pre-Registration:* Meeting participants may attend either in person or via webinar. All participants must register using one of the methods indicated below:

For members of the public who plan to participate in person, please register online at <https://teregistration.cbp.gov/index.asp?w=291> by 5:00 p.m. EDT on September 9, 2022. For members of the public who are pre-registered to attend the meeting in person and later need to cancel, please do so by 5:00 p.m. EDT September 9, 2022, utilizing the following link: <https://teregistration.cbp.gov/cancel.asp?w=291>.

For members of the public who plan to participate via webinar, please register online at <https://teregistration.cbp.gov/index.asp?w=292> by 5:00 p.m. EDT on September 9, 2022. For members of the public who are pre-registered to attend the meeting via webinar and later need to cancel, please do so by 5:00 p.m. EDT September 9, 2022, utilizing the following link: <https://teregistration.cbp.gov/cancel.asp?w=292>.

The COAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Mrs. Latoria Martin at (202) 344–1440 as soon as possible.

Please feel free to share this information with other interested members of your organization or association.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the **AGENDA** section below.

There will be multiple public comment periods held during the meeting on September 14, 2022. Speakers are requested to limit their comments to two minutes or less to facilitate greater participation. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page: <http://www.cbp.gov/trade/stakeholder-engagement/coac>.

#### **Agenda**

The COAC will hear from the current subcommittees on the topics listed below:

1. The Intelligent Enforcement Subcommittee will provide updates on the work completed and topics discussed for its working groups. The Antidumping/Countervailing Duty (AD/CVD) Working Group will provide updates regarding its work and discussions on importer compliance with AD/CVD requirements. The Intellectual Property Rights Process Modernization Working Group will provide updates regarding the next steps for the work projects, developed by the group, to complete a review of the IPR Priority Trade Issue web page and discuss the manipulation of shipments. The Bond Working Group will report the ongoing discussions and status updates for eBond requirements and the Forced labor Working Group will provide an update on the progress and plans for the group.

2. The Next Generation Facilitation Subcommittee will provide updates on

its task forces and working groups, including an update on the progress of the 21st Century Customs Framework (21CCF) and E-Commerce Task Forces, and it is expected there will be recommendations for the full committee’s consideration in both areas. The Automated Commercial Environment (ACE) 2.0 Working Group will present recommendations for the full committee’s consideration stemming from the in-depth gap analysis and potential vendor demonstrations of areas that may be improved when CBP embarks on ACE 2.0 modernization. Finally, the One U.S. Government Working Group will provide an update on the work planned for upcoming quarters of the 16th Term of the COAC.

3. The Rapid Response Subcommittee will provide updates for the Domestic Manufacturing and Production (DMAP) Working Group, the Broker Modernization Working Group, and the United States-Mexico-Canada Agreement (USMCA) Working Group. CBP formed the DMAP Working Group under the Rapid Response Subcommittee to collaborate and obtain input from industry stakeholders on trade enforcement areas affecting domestic manufacturers and producers. The DMAP Working Group meets bi-weekly with the expectation that recommendations will be developed and submitted for consideration at an upcoming COAC public meeting. The Broker Modernization Working Group currently meets monthly with the expectation that recommendations will be developed and submitted for consideration at an upcoming COAC public meeting. As announced at the June 29, 2022, COAC public meeting, the USMCA Working Group is being reconvened, and will start to meet in the 4th quarter.

4. The Secure Trade Lanes Subcommittee will provide updates on the progress and plans for the Remote and Autonomous Cargo Processing Working Group and the Cross-Border Recognition Working Group, as well as provide an update on the recommendations presented in the previous quarter by the In-Bond Working Group. The Partnership Programs and Industry Engagement Working Group topics of discussion will include updates on the new focus areas the working group is pursuing relative to its recommendations last quarter related to the Forced Labor portion of the newly published Customs Trade Partnership Against Terrorism (CTPAT) Trade Compliance handbook. The Export Modernization Working Group will provide information and supporting

documentation on its recommendation provided during the last public meeting, along with updates regarding the development of policies for industry and government partners regarding data collection and sharing in all modes for exportation of goods out of the United States.

Meeting materials will be available on September 2, 2022, at: <http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings>.

Dated: August 22, 2022.

**Valarie M. Neuhart,**

*Deputy Executive Director, Office of Trade Relations.*

[FR Doc. 2022-18347 Filed 8-24-22; 8:45 am]

BILLING CODE 9111-14-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6328-N-01]

### Notice of Annual Factors for Determining Administrative Fees for the Section 8 Housing Choice Voucher, Mainstream, and Moderate Rehabilitation Programs for Calendar Year 2022

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** As required by the U.S. Housing Act of 1937, this Notice announces the per unit, monthly fee rates to determine the on-going administrative fees for public housing agencies (PHAs) administering the Housing Choice Voucher (HCV), Mainstream, and Moderate Rehabilitation programs, including Single Room Occupancy, during calendar year (CY) 2022. PHAs use administrative fees to cover costs associated with administering the HCV Program. Publishing the CY 2022 administrative fees allow PHAs to budget appropriately and is important for PHA record keeping purposes. This notice follows HUD's previous publication of the rates on HUD's website and makes no changes to those rates.

**DATES:** Applicable: January 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Miguel A. Fontánez, Director, Housing Voucher Financial Management Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4222, Washington, DC 20410-8000, telephone number 202-402-2934. (This is not a toll-free

number). Hearing or speech impaired individuals may call TTY number 1 (800) 877-8337.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This Notice provides the methodology used to determine the CY 2022 administrative fee rates by area, which HUD uses to determine PHA administrative fees for the HCV, Mainstream Vouchers, Emergency Housing Voucher (Column A rate only) and Moderate Rehabilitation programs, including Single Room Occupancy programs. The HCV Program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Mainstream Vouchers are tenant-based vouchers serving households that include a non-elderly person with a disability, available to PHAs through a competitive Notice of Funding Availability (NOFA). The Emergency Housing Voucher (EHV) program was made available through the American Rescue Plan Act (ARPA) Public Law 117-2, enacted on March 11, 2021. Through EHV, HUD is providing 70,000 housing choice vouchers to local Public Housing Authorities (PHAs) to assist individuals and families who are homeless, at-risk of homelessness, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, or were recently homeless or have a high risk of housing instability. The Moderate Rehabilitation Program provides project-based rental assistance for low-income families. The program was repealed in 1991 and no new projects are authorized for development. Assistance is limited to properties previously rehabilitated pursuant to a housing assistance payments (HAP) contract between an owner and a PHA. PHAs are local offices responsible for administering and maintaining Section 8 housing benefits, located across the country.

##### B. CY 2022 Methodology

For CY 2022, in accordance with the 2022 Appropriations Act (Pub. L. 117-103, 136 Stat. 49), administrative fees are determined based on vouchers leased as of the first day of each month. This data is extracted from the Voucher Management System (VMS) at the close of each reporting cycle and validated prior to use. For Moderate Rehabilitation, including Single Room Occupancy, HAP contracts, administrative fees are earned based on the units under a HAP contract.

In the attached table, two fee rates are provided for each PHA. The first rate, Column A, applies to the first 7200 voucher unit months leased in CY 2022. The second rate, Column B, applies to all remaining voucher unit months leased in CY 2022. In years prior to 2010, Column C applied to all voucher unit months leased in dwelling units owned by the PHA. For CY 2022, as in recent years, there are no Column C administrative fee rates. Fees for leasing PHA-owned units is determined in the same manner and at the same Column A and Column B rates as for all other voucher leasing.

In some cases, the fee rates calculated for CY 2022 are lower than those established for CY 2021. In these cases, the affected PHAs are held harmless at the CY 2021 fee rates.

The fee rates for each PHA generally cover the fees for areas in which the PHA has the greatest proportion of its participants, based on Public Housing Information Center (PIC) data submitted by the PHA. In some cases, PHAs have participants in more than one fee area. If such a PHA chooses, the PHA may request HUD establish a blended fee rate to proportionately consider all areas in which participants are located. Once a blended rate is established, it is used to determine the PHA's fee eligibility for all months in CY 2022. The 2022 HCV Funding Implementation Notice will describe how to apply for blended fee rates and provide a deadline date for submitting such requests. The Notice can be accessed through the following link: <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2022-14.pdf>.

PHAs operating over large geographic areas, defined as multiple counties, may request a higher administrative fee rate if eligible. The 2022 HCV Funding Implementation Notice will describe when to apply for higher fee rates and the deadline date for such requests. Higher administrative fee rates differ from blended administrative fee rates in how they are calculated. Requests for higher administrative rates must clearly demonstrate that the PHA's published rate cannot cover their projected expenses. Next, a breakeven rate is calculated to ensure the PHA receives sufficient funds to cover their expenses while also ensuring the administrative fee reserves do not grow.

This Notice identifies the monthly per-voucher-unit fee rates to be used to determine PHA administrative fee eligibility. These fee rates are accessible through the following link: Current fee rates remain posted at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/)

*guidance\_and\_notices*, under the Notices and Guidance for PHAs section.

Direct questions to the PHA's assigned representative at the Financial Management Center or the Financial Management Division at

*PIHFinancialManagementDivision@hud.gov*.

### C. Moving To Work (MTW) Agencies

Where an MTW Agency has an alternative formula for determining HCV Administrative Fees in Attachment A of their MTW Agreements, HUD calculates

the HCV Administrative Fees in accordance with that MTW Agreement provision.

**Dominique Blom,**

*General Deputy Assistant Secretary for Public and Indian Housing.*

**BILLING CODE 4210-67-P**

PHA Num	A Rate	B Rate
AK901	113.07	105.54
AL001	74.97	69.97
AL002	76.15	71.08
AL004	73.98	69.05
AL005	77.35	72.2
AL006	73.98	69.05
AL007	73.98	69.05
AL008	73.47	68.58
AL011	73.47	68.58
AL012	74.46	69.49
AL014	73.47	68.58
AL047	76.17	71.11
AL048	73.98	69.05
AL049	73.98	69.05
AL050	73.98	69.05

AL052	73.47	68.58
AL053	73.47	68.58
AL054	73.98	69.05
AL060	73.47	68.58
AL061	73.98	69.05
AL063	74.97	69.97
AL068	73.98	69.05
AL069	74.97	69.97
AL072	74.97	69.97
AL073	73.66	68.74
AL075	73.47	68.58
AL077	73.98	69.05
AL086	74.97	69.97
AL090	73.47	68.58
AL091	73.47	68.58
AL099	73.47	68.58

AL105	73.47	68.58
AL107	73.47	68.58
AL112	73.47	68.58
AL114	73.47	68.58
AL115	73.47	68.58
AL116	73.47	68.58
AL118	73.47	68.58
AL121	73.47	68.58
AL124	73.66	68.74
AL125	74.97	69.97
AL129	74.46	69.49
AL131	73.98	69.05
AL138	73.98	69.05
AL139	73.98	69.05
AL152	73.98	69.05
AL154	73.47	68.58



AL155	73.47	68.58
AL160	73.47	68.58
AL165	77.25	72.11
AL169	76.15	71.08
AL171	73.47	68.58
AL172	73.98	69.05
AL174	73.47	68.58
AL177	73.47	68.58
AL181	73.47	68.58
AL192	73.47	68.58
AL202	76.15	71.08
AR002	76.18	71.11
AR003	71.76	66.98
AR004	76.18	71.11
AR006	76.18	71.11
AR010	66.64	62.2
AR012	66.64	62.2
AR015	71.99	67.19
AR016	66.64	62.2
AR017	69.83	65.18
AR020	67.17	62.7
AR024	73.58	68.67
AR031	69.83	65.18
AR033	66.64	62.2
AR034	69.83	65.18
AR035	66.64	62.2
AR037	66.64	62.2
AR039	66.64	62.2
AR041	76.18	71.11
AR042	69.83	65.18
AR045	66.64	62.2
AR052	66.64	62.2
AR066	66.64	62.2
AR068	66.64	62.2
AR082	66.64	62.2
AR104	69.83	65.18
AR117	66.64	62.2
AR121	66.64	62.2
AR131	69.83	65.18
AR152	66.64	62.2
AR161	66.64	62.2
AR163	69.83	65.18
AR166	66.64	62.2
AR170	76.18	71.11
AR175	76.18	71.11
AR176	66.64	62.2
AR177	66.64	62.2

AR181	69.83	65.18
AR194	71.76	66.98
AR197	66.64	62.2
AR200	66.64	62.2
AR210	66.64	62.2
AR211	66.64	62.2
AR213	66.64	62.2
AR214	66.64	62.2
AR215	66.64	62.2
AR223	66.64	62.2
AR224	66.64	62.2
AR225	66.64	62.2
AR232	69.83	65.18
AR240	66.64	62.2
AR241	70.22	65.54
AR247	66.64	62.2
AR252	76.18	71.11
AR257	66.64	62.2
AR264	73.58	68.67
AR265	66.64	62.2
AR266	66.64	62.2
AZ001	83.36	77.79
AZ003	83.36	77.79
AZ004	82.41	76.91
AZ005	83.36	77.79
AZ006	91.14	85.07
AZ008	67.37	62.88
AZ009	83.36	77.79
AZ010	83.36	77.79
AZ013	92.61	86.44
AZ021	83.36	77.79
AZ023	70.98	66.25
AZ025	82.41	76.91
AZ028	83.36	77.79
AZ031	83.36	77.79
AZ032	83.36	77.79
AZ033	82.41	76.91
AZ034	68.49	63.92
AZ035	92.61	86.44
AZ037	68.49	63.92
AZ041	91.14	85.07
AZ043	111.61	104.18
AZ045	69.81	65.15
AZ880	83.36	77.79
AZ901	91.14	85.07
CA001	143.55	133.99
CA002	143.55	133.99

CA003	143.55	133.99
CA004	143.55	133.99
CA005	109.02	101.75
CA006	100.02	93.34
CA007	109.02	101.75
CA008	109.39	102.1
CA011	143.55	133.99
CA014	143.55	133.99
CA019	114.52	106.89
CA021	140.17	130.8
CA022	114.52	106.89
CA023	93.98	87.73
CA024	104.6	97.64
CA026	105.33	98.3
CA027	114.52	106.89
CA028	100.02	93.34
CA030	93.27	87.07
CA031	143.55	133.99
CA032	143.55	133.99
CA033	123.67	115.41
CA035	143.55	133.99
CA039	104.08	97.14
CA041	124.62	116.31
CA043	96.13	89.71
CA044	109.02	101.75
CA048	82.49	76.99
CA052	143.55	133.99
CA053	90.28	84.26
CA055	124.62	116.31
CA056	143.55	133.99
CA058	143.55	133.99
CA059	143.55	133.99
CA060	143.55	133.99
CA061	96.7	90.25
CA062	143.55	133.99
CA063	128.35	119.78
CA064	124.26	115.98
CA065	124.62	116.31
CA066	124.62	116.31
CA067	143.55	133.99
CA068	143.55	133.99
CA069	100.02	93.34
CA070	88.5	82.6
CA071	143.55	133.99
CA072	143.55	133.99
CA073	124.62	116.31
CA074	143.55	133.99

CA075	143.55	133.99
CA076	140.17	130.8
CA077	128.35	119.78
CA079	143.55	133.99
CA082	143.55	133.99
CA084	104.22	97.27
CA085	140.01	130.68
CA086	99.61	92.96
CA088	140.01	130.68
CA092	143.55	133.99
CA093	143.55	133.99
CA094	143.55	133.99
CA096	100.02	93.34
CA102	143.55	133.99
CA103	143.55	133.99
CA104	143.55	133.99
CA105	143.55	133.99
CA106	100.02	93.34
CA108	128.35	119.78
CA110	143.55	133.99
CA111	143.55	133.99
CA114	143.55	133.99
CA116	128.35	119.78
CA117	143.55	133.99
CA118	143.55	133.99
CA119	143.55	133.99
CA120	143.55	133.99
CA121	143.55	133.99
CA123	143.55	133.99
CA125	124.62	116.31
CA126	143.55	133.99
CA128	109.02	101.75
CA131	124.62	116.31
CA132	128.35	119.78
CA136	143.55	133.99
CA143	104.08	97.14
CA144	96.7	90.25
CA149	109.02	101.75
CA151	109.02	101.75
CA155	128.35	119.78
CO001	87.45	81.63
CO002	80.78	75.39
CO005	90.61	84.57
CO006	77.56	72.39
CO016	99.24	92.61
CO019	87.45	81.63
CO024	77.56	72.39

CO028	81.58	76.14
CO031	77.56	72.39
CO034	94.04	87.78
CO035	81.09	75.69
CO036	87.45	81.63
CO040	119.77	111.8
CO041	94.04	87.78
CO043	90.61	84.57
CO045	77.56	72.39
CO048	87.45	81.63
CO049	87.45	81.63
CO050	87.45	81.63
CO051	102.3	95.48
CO052	87.45	81.63
CO057	87.45	81.63
CO058	87.45	81.63
CO061	99.24	92.61
CO070	99.24	92.61
CO071	81.58	76.14
CO072	87.45	81.63
CO079	90.61	84.57
CO087	119.77	111.8
CO090	81.09	75.69
CO095	114.53	106.89
CO101	77.56	72.39
CO103	94.04	87.78
CO888	80.78	75.39
CO911	87.45	81.63
CO921	87.45	81.63
CT001	111.1	103.69
CT002	119.08	111.15
CT003	104.71	97.72
CT004	115.42	107.73
CT005	104.71	97.72
CT006	94.58	88.27
CT007	119.08	111.15
CT008	104.71	97.72
CT009	104.71	97.72
CT010	94.58	88.27
CT011	115.42	107.73
CT013	104.71	97.72
CT015	111.1	103.69
CT017	111.1	103.69
CT018	102.79	95.94
CT019	119.08	111.15
CT020	119.08	111.15
CT023	104.71	97.72

CT024	94.58	88.27
CT026	104.71	97.72
CT027	111.1	103.69
CT028	104.71	97.72
CT029	115.42	107.73
CT030	111.1	103.69
CT031	92.55	86.38
CT032	104.71	97.72
CT033	104.71	97.72
CT036	104.71	97.72
CT038	104.71	97.72
CT039	104.71	97.72
CT040	104.71	97.72
CT041	104.71	97.72
CT042	115.42	107.73
CT047	94.58	88.27
CT048	104.71	97.72
CT049	104.71	97.72
CT051	104.71	97.72
CT052	111.1	103.69
CT053	104.71	97.72
CT058	94.58	88.27
CT061	94.58	88.27
CT063	115.42	107.73
CT067	115.42	107.73
CT068	104.71	97.72
CT901	104.71	97.72
DC001	128.94	120.35
DC880	128.94	120.35
DE001	102.13	95.32
DE002	87.92	82.06
DE003	102.13	95.32
DE005	102.13	95.32
DE901	87.92	82.06
FL001	82.2	76.73
FL002	86.78	80.99
FL003	86.78	80.99
FL004	90.64	84.59
FL005	117.76	109.92
FL007	87	81.2
FL008	95.24	88.89
FL009	91.96	85.82
FL010	110.26	102.91
FL011	72.23	67.41
FL013	116.94	109.17
FL015	77.24	72.08
FL017	117.76	109.92

FL018	70.56	65.85
FL019	83.67	78.11
FL020	83.67	78.11
FL021	91.96	85.82
FL022	87	81.2
FL023	95.24	88.89
FL024	87	81.2
FL025	83.67	78.11
FL026	72.23	67.41
FL028	110.26	102.91
FL030	87	81.2
FL031	68.02	63.48
FL032	71.12	66.37
FL033	90.64	84.59
FL034	86.78	80.99
FL035	70.56	65.85
FL037	82.2	76.73
FL041	92.45	86.29
FL045	92.45	86.29
FL046	70.56	65.85
FL047	91.24	85.16
FL049	68.59	64.01
FL053	71.12	66.37
FL057	68.02	63.48
FL060	88.85	82.93
FL062	86.78	80.99
FL063	77.98	72.78
FL066	117.76	109.92
FL068	117.76	109.92
FL069	70.56	65.85
FL070	77.98	72.78
FL071	72.23	67.41
FL072	87	81.2
FL073	77.24	72.08
FL075	86.78	80.99
FL079	110.26	102.91
FL080	91.96	85.82
FL081	110.26	102.91
FL083	91.96	85.82
FL092	71.12	66.37
FL093	90.64	84.59
FL102	70.56	65.85
FL104	86.78	80.99
FL105	95.24	88.89
FL106	90.64	84.59
FL110	70.56	65.85
FL113	87	81.2

FL116	110.26	102.91
FL119	91.96	85.82
FL123	85.82	80.1
FL128	91.24	85.16
FL132	92.11	85.99
FL136	110.26	102.91
FL137	86.78	80.99
FL139	72.23	67.41
FL141	94.94	88.61
FL144	116.94	109.17
FL145	117.76	109.92
FL147	70.56	65.85
FL201	90.64	84.59
FL202	68.02	63.48
FL881	117.76	109.92
FL888	86.78	80.99
GA001	77.35	72.2
GA002	77.35	72.2
GA004	77.35	72.2
GA006	94.31	88.01
GA007	77.35	72.2
GA009	77.35	72.2
GA010	94.31	88.01
GA011	94.31	88.01
GA023	77.35	72.2
GA062	73.39	68.5
GA078	94.31	88.01
GA095	94.31	88.01
GA116	94.31	88.01
GA188	94.31	88.01
GA228	94.31	88.01
GA232	94.31	88.01
GA237	94.31	88.01
GA264	94.31	88.01
GA269	94.31	88.01
GA285	77.35	72.2
GA901	94.31	88.01
GQ901	130.69	121.99
HI002	126.97	118.51
HI003	143.53	133.97
HI004	143.54	133.98
HI005	143.01	133.49
HI901	143.53	133.97
IA002	73.72	68.81
IA004	77.51	72.34
IA015	73.72	68.81
IA018	78.82	73.57

IA020	88.65	82.74
IA022	90.35	84.34
IA023	77.55	72.38
IA024	85.82	80.1
IA030	73.72	68.81
IA038	86.15	80.41
IA042	73.72	68.81
IA045	83.03	77.5
IA047	73.72	68.81
IA049	73.72	68.81
IA050	86.15	80.41
IA056	73.72	68.81
IA057	73.72	68.81
IA084	73.72	68.81
IA087	79.42	74.13
IA098	77.67	72.5
IA100	73.72	68.81
IA107	73.72	68.81
IA108	73.72	68.81
IA113	86.15	80.41
IA114	73.72	68.81
IA117	77.55	72.38
IA119	73.72	68.81
IA120	88.65	82.74
IA122	73.72	68.81
IA124	73.72	68.81
IA125	73.72	68.81
IA126	83.03	77.5
IA127	73.72	68.81
IA128	73.72	68.81
IA129	73.72	68.81
IA130	73.72	68.81
IA131	88.65	82.74
IA132	86.15	80.41
ID005	78.27	73.05
ID013	97.26	90.78
ID016	97.26	90.78
ID021	97.26	90.78
ID901	81.02	75.61
IL002	109.93	102.59
IL003	86.81	81.02
IL004	79.11	73.83
IL006	77.47	72.32
IL009	83.03	77.5
IL010	83.03	77.5
IL011	70.3	65.62
IL012	74.85	69.86

IL014	82	76.53
IL015	74.01	69.07
IL016	68.54	63.97
IL018	83.03	77.5
IL020	83.03	77.5
IL022	78.94	73.68
IL024	109.93	102.59
IL025	109.93	102.59
IL026	109.93	102.59
IL028	79.11	73.88
IL030	74.01	69.07
IL032	82	76.53
IL035	82	76.53
IL037	68.54	63.97
IL038	68.54	63.97
IL039	75	70.01
IL040	68.54	63.97
IL043	68.54	63.97
IL050	70.3	65.62
IL051	77.2	72.07
IL052	68.54	63.97
IL053	70.3	65.62
IL056	109.93	102.59
IL057	68.54	63.97
IL059	68.54	63.97
IL061	69.36	64.72
IL074	74.01	69.07
IL076	68.54	63.97
IL079	68.54	63.97
IL082	68.54	63.97
IL083	78.94	73.68
IL084	74.52	69.55
IL085	69.97	65.32
IL086	72.71	67.86
IL087	68.54	63.97
IL088	68.54	63.97
IL089	87.12	81.31
IL090	109.93	102.59
IL091	68.54	63.97
IL092	109.93	102.59
IL095	80.4	75.04
IL096	68.54	63.97
IL101	109.93	102.59
IL103	109.93	102.59
IL104	86.81	81.02
IL107	109.93	102.59
IL116	109.93	102.59

IL117	77.2	72.07
IL120	68.54	63.97
IL122	78.94	73.68
IL123	68.54	63.97
IL124	86.81	81.02
IL126	70.3	65.62
IL130	109.93	102.59
IL131	83.03	77.5
IL136	109.93	102.59
IL137	110.88	103.47
IL901	109.93	102.59
IN002	59.6	55.63
IN003	66.19	61.79
IN004	61.66	57.55
IN005	61.66	57.55
IN006	73.18	68.3
IN007	64.39	60.1
IN009	59.6	55.63
IN010	80.81	75.43
IN011	80.81	75.43
IN012	67.87	63.34
IN015	65.15	60.81
IN016	63.98	59.71
IN017	73.18	68.3
IN018	59.6	55.63
IN019	63.83	59.56
IN020	65.15	60.81
IN021	61.66	57.55
IN022	65.6	61.23
IN023	67.87	63.34
IN025	67.87	63.34
IN026	63.96	59.7
IN029	80.81	75.43
IN031	59.6	55.63
IN032	60.67	56.63
IN035	61.66	57.55
IN037	63.98	59.71
IN041	59.6	55.63
IN043	59.6	55.63
IN047	59.6	55.63
IN048	59.93	55.93
IN050	59.6	55.63
IN055	60.67	56.63
IN056	62.39	58.23
IN058	66.79	62.35
IN060	63.96	59.7
IN062	63.98	59.73

IN067	59.6	55.63
IN071	70.69	65.96
IN078	62.39	58.23
IN079	73.18	68.3
IN080	73.18	68.3
IN086	59.6	55.63
IN091	59.6	55.63
IN092	59.6	55.63
IN094	61.81	57.68
IN100	65.15	60.81
IN901	73.18	68.3
KS001	71.95	67.14
KS002	68.59	64.02
KS004	73.9	68.96
KS006	64.87	60.54
KS017	64.87	60.54
KS038	64.87	60.54
KS041	64.87	60.54
KS043	71.95	67.14
KS053	75.8	70.74
KS062	64.87	60.54
KS063	65.12	60.77
KS068	71.95	67.14
KS073	73.9	68.96
KS091	64.87	60.54
KS149	64.87	60.54
KS159	71.95	67.14
KS161	64.87	60.54
KS162	71.95	67.14
KS165	64.87	60.54
KS166	64.87	60.54
KS167	65.12	60.77
KS168	68.59	64.02
KS170	64.87	60.54
KY001	67.87	63.34
KY003	60.89	56.83
KY004	75.16	70.15
KY007	59.78	55.79
KY008	59.78	55.79
KY009	67.87	63.34
KY011	74.53	69.56
KY012	63.98	59.71
KY015	77.99	72.78
KY017	59.78	55.79
KY021	59.78	55.79
KY022	59.78	55.79
KY026	59.78	55.79

KY027	59.78	55.79
KY035	59.78	55.79
KY040	59.78	55.79
KY047	59.78	55.79
KY053	59.78	55.79
KY056	59.78	55.79
KY061	75.16	70.15
KY071	66.45	62.02
KY086	59.78	55.79
KY107	59.78	55.79
KY121	59.78	55.79
KY132	66.2	61.79
KY133	77.99	72.78
KY135	77.99	72.78
KY136	77.99	72.78
KY137	59.78	55.79
KY138	59.78	55.79
KY140	75.16	70.15
KY141	59.78	55.79
KY142	70.66	65.95
KY157	59.78	55.79
KY160	59.78	55.79
KY161	70.66	65.95
KY163	59.78	55.79
KY169	59.78	55.79
KY171	67.87	63.34
KY901	75.16	70.15
LA001	79.45	74.14
LA002	77.77	72.6
LA003	85.78	80.07
LA004	74.24	69.29
LA005	74.24	69.29
LA006	74.24	69.29
LA009	85.78	80.07
LA012	79.45	74.14
LA013	79.45	74.14
LA023	74.24	69.29
LA024	73.03	68.16
LA029	74.24	69.29
LA031	73.03	68.16
LA032	74.24	69.29
LA033	73.03	68.16
LA036	73.03	68.16
LA037	78.6	73.37
LA046	74.24	69.29
LA057	74.24	69.29
LA063	74.24	69.29

LA067	73.03	68.16
LA074	73.03	68.16
LA086	73.03	68.16
LA094	79.45	74.14
LA097	73.03	68.16
LA101	85.78	80.07
LA103	79.45	74.14
LA104	74.24	69.29
LA111	73.03	68.16
LA114	73.03	68.16
LA115	73.03	68.16
LA120	74.24	69.29
LA122	74.24	69.29
LA125	73.03	68.16
LA128	73.03	68.16
LA129	74.24	69.29
LA132	73.03	68.16
LA159	73.03	68.16
LA163	73.03	68.16
LA165	74.24	69.29
LA166	73.03	68.16
LA169	73.03	68.16
LA171	74.24	69.29
LA172	74.24	69.29
LA173	74.24	69.29
LA174	74.24	69.29
LA178	74.24	69.29
LA181	79.45	74.14
LA182	73.03	68.16
LA184	77.77	72.6
LA186	74.24	69.29
LA187	79.45	74.14
LA188	73.03	68.16
LA189	74.24	69.29
LA190	77.77	72.6
LA192	73.03	68.16
LA194	76.07	71.01
LA195	73.03	68.16
LA196	74.24	69.29
LA199	85.78	80.07
LA202	85.78	80.07
LA204	85.78	80.07
LA205	85.78	80.07
LA206	74.24	69.29
LA207	74.24	69.29
LA211	76.07	71.01
LA212	73.03	68.16

LA213	78.6	73.37
LA214	74.24	69.29
LA215	73.64	68.73
LA220	73.03	68.16
LA222	73.03	68.16
LA229	73.03	68.16
LA230	77.77	72.6
LA232	73.03	68.16
LA233	73.03	68.16
LA238	79.45	74.14
LA241	73.03	68.16
LA242	73.03	68.16
LA246	73.03	68.16
LA247	73.03	68.16
LA248	73.03	68.16
LA253	76.07	71.01
LA257	73.03	68.16
LA258	73.64	68.73
LA266	74.24	69.29
LA888	77.77	72.6
LA889	79.45	74.14
LA903	79.45	74.14
MA001	134.83	125.85
MA002	145.73	136.01
MA003	145.73	136.01
MA005	134.83	125.85
MA006	130.42	121.74
MA007	134.83	125.85
MA008	134.83	125.85
MA010	134.83	125.85
MA012	134.83	125.85
MA013	145.73	136.01
MA014	145.73	136.01
MA015	145.73	136.01
MA016	145.73	136.01
MA017	145.73	136.01
MA018	130.42	121.74
MA019	145.73	136.01
MA020	145.73	136.01
MA022	145.73	136.01
MA023	145.73	136.01
MA024	134.83	125.85
MA025	145.73	136.01
MA026	134.83	125.85
MA027	145.73	136.01
MA028	145.73	136.01
MA029	134.83	125.85

MA031	145.73	136.01
MA032	145.73	136.01
MA033	145.73	136.01
MA034	134.83	125.85
MA035	134.83	125.85
MA036	145.73	136.01
MA037	134.83	125.85
MA039	134.83	125.85
MA040	145.73	136.01
MA041	134.83	125.85
MA042	145.73	136.01
MA043	134.83	125.85
MA044	145.73	136.01
MA045	145.73	136.01
MA046	146.07	136.34
MA047	146.07	136.34
MA048	145.73	136.01
MA050	134.83	125.85
MA051	134.83	125.85
MA053	145.73	136.01
MA054	145.73	136.01
MA055	145.73	136.01
MA056	145.73	136.01
MA057	145.73	136.01
MA059	145.73	136.01
MA060	134.83	125.85
MA061	145.73	136.01
MA063	145.73	136.01
MA065	145.73	136.01
MA066	134.83	125.85
MA067	145.73	136.01
MA069	145.73	136.01
MA070	145.73	136.01
MA072	145.73	136.01
MA073	145.73	136.01
MA074	145.73	136.01
MA075	145.73	136.01
MA076	134.83	125.85
MA077	134.83	125.85
MA078	134.83	125.85
MA079	145.73	136.01
MA080	134.83	125.85
MA081	134.83	125.85
MA082	134.83	125.85
MA084	134.83	125.85
MA085	134.83	125.85
MA086	134.83	125.85

MA087	134.83	125.85
MA088	134.83	125.85
MA089	145.73	136.01
MA091	145.73	136.01
MA092	145.73	136.01
MA093	145.73	136.01
MA094	133.24	124.37
MA095	146.07	136.34
MA096	133.24	124.37
MA098	145.73	136.01
MA099	145.73	136.01
MA100	134.83	125.85
MA101	145.73	136.01
MA105	134.83	125.85
MA106	134.83	125.85
MA107	134.83	125.85
MA108	134.83	125.85
MA109	145.73	136.01
MA110	146.07	136.34
MA111	145.73	136.01
MA112	145.73	136.01
MA116	145.73	136.01
MA117	145.73	136.01
MA118	145.73	136.01
MA119	145.73	136.01
MA121	145.73	136.01
MA122	145.73	136.01
MA123	134.83	125.85
MA125	145.73	136.01
MA127	134.83	125.85
MA133	145.73	136.01
MA134	145.73	136.01
MA135	145.73	136.01
MA138	146.07	136.34
MA139	134.83	125.85
MA140	145.73	136.01
MA147	145.73	136.01
MA154	145.73	136.01
MA155	145.73	136.01
MA165	145.73	136.01
MA170	145.73	136.01
MA172	134.83	125.85
MA174	145.73	136.01
MA180	146.07	136.34
MA181	146.07	136.34
MA188	134.83	125.85
MA880	145.73	136.01

MA881	145.73	136.01
MA882	134.83	125.85
MA883	145.73	136.01
MA901	145.73	136.01
MD001	97.5	90.99
MD002	97.5	90.99
MD003	128.94	120.35
MD004	128.94	120.35
MD006	76.48	71.37
MD007	128.94	120.35
MD014	87.62	81.78
MD015	128.94	120.35
MD016	102.13	95.32
MD018	97.5	90.99
MD019	86.29	80.52
MD021	110.59	103.22
MD022	128.94	120.35
MD023	97.5	90.99
MD024	128.94	120.35
MD025	97.5	90.99
MD027	97.5	90.99
MD028	76.48	71.37
MD029	102.13	95.32
MD032	97.5	90.99
MD033	97.5	90.99
MD034	97.5	90.99
MD901	73.5	68.6
ME001	75.47	70.44
ME002	75.47	70.44
ME003	118.76	110.85
ME004	75.47	70.44
ME005	84.99	79.31
ME006	90.81	84.75
ME007	84.99	79.31
ME008	79.35	74.05
ME009	86.26	80.52
ME011	104.48	97.51
ME015	118.76	110.85
ME018	86.26	80.52
ME019	95.19	88.82
ME020	118.76	110.85
ME021	86.26	80.52
ME025	75.47	70.44
ME027	77.47	72.32
ME028	104.48	97.51
ME030	79.35	74.05
ME901	74.09	69.14

MI001	73.56	68.66
MI005	73.56	68.66
MI006	62.9	58.71
MI008	73.56	68.66
MI009	63.32	59.09
MI010	64.12	59.85
MI019	61.65	57.54
MI020	61.65	57.54
MI027	73.56	68.66
MI030	61.65	57.54
MI031	69.44	64.81
MI032	64.12	59.85
MI035	66.3	61.89
MI036	61.65	57.54
MI037	73.56	68.66
MI038	63.58	59.35
MI039	73.56	68.66
MI040	73.56	68.66
MI044	73.56	68.66
MI045	73.56	68.66
MI047	61.65	57.54
MI048	73.56	68.66
MI049	61.65	57.54
MI050	61.65	57.54
MI051	73.56	68.66
MI052	73.56	68.66
MI055	73.56	68.66
MI058	70.53	65.83
MI059	73.56	68.66
MI060	66.12	61.7
MI061	66.54	62.11
MI063	61.65	57.54
MI064	87.65	81.8
MI066	69.44	64.81
MI070	66.12	61.7
MI073	69.44	64.81
MI074	66.54	62.11
MI080	68.42	63.87
MI084	66.12	61.7
MI087	66.12	61.7
MI089	73.56	68.66
MI093	69.44	64.81
MI094	61.65	57.54
MI096	73.56	68.66
MI097	73.56	68.66
MI100	73.56	68.66
MI112	61.65	57.54

MI115	69.44	64.81
MI117	61.65	57.54
MI119	61.65	57.54
MI120	64.12	59.85
MI121	66.54	62.11
MI132	61.65	57.54
MI139	73.56	68.66
MI157	73.56	68.66
MI167	70.53	65.83
MI168	70.53	65.83
MI186	61.65	57.54
MI194	70.53	65.83
MI198	69.44	64.81
MI880	70.53	65.83
MI901	73.56	68.66
MN001	103.31	96.43
MN002	103.31	96.43
MN003	76.42	71.32
MN007	76.42	71.32
MN008	70.89	66.16
MN009	70.89	66.16
MN018	70.89	66.16
MN021	85.58	79.87
MN032	70.89	66.16
MN034	70.89	66.16
MN037	70.89	66.16
MN038	78.71	73.47
MN049	70.89	66.16
MN063	76.75	71.63
MN073	76.42	71.32
MN077	77.33	72.19
MN085	70.89	66.16
MN090	70.89	66.16
MN101	103.31	96.43
MN107	70.89	66.16
MN128	70.89	66.16
MN144	103.31	96.43
MN147	103.31	96.43
MN151	85.54	79.85
MN152	103.31	96.43
MN153	70.89	66.16
MN154	70.89	66.16
MN158	85.58	79.87
MN161	74.38	69.41
MN163	103.31	96.43
MN164	85.58	79.87
MN166	70.89	66.16

MN167	76.75	71.63
MN168	74.38	69.41
MN169	70.89	66.16
MN170	103.31	96.43
MN171	72.75	67.89
MN172	78.71	73.47
MN173	70.89	66.16
MN174	70.89	66.16
MN176	70.89	66.16
MN177	70.89	66.16
MN178	74.38	69.41
MN179	70.89	66.16
MN180	70.89	66.16
MN182	70.89	66.16
MN184	103.31	96.43
MN188	70.89	66.16
MN190	70.89	66.16
MN191	70.89	66.16
MN192	70.89	66.16
MN193	79.65	74.35
MN197	71.88	67.09
MN200	70.89	66.16
MN203	74.38	69.41
MN212	103.31	96.43
MN216	103.31	96.43
MN219	76.75	71.63
MN220	77.33	72.19
MN801	103.31	96.43
MN802	103.31	96.43
MO001	74.01	69.07
MO002	71.95	67.14
MO003	70.95	66.22
MO004	74.01	69.07
MO006	74.01	69.07
MO007	70.95	66.22
MO008	70.83	66.11
MO009	70.95	66.22
MO010	70.83	66.11
MO014	70.95	66.22
MO016	70.83	66.11
MO017	71.95	67.14
MO030	71.95	67.14
MO037	70.83	66.11
MO040	70.83	66.11
MO053	71.95	67.14
MO058	70.95	66.22
MO064	70.83	66.11

MO065	70.83	66.11
MO072	70.83	66.11
MO074	70.83	66.11
MO107	70.83	66.11
MO129	70.83	66.11
MO133	70.83	66.11
MO145	70.83	66.11
MO149	70.83	66.11
MO188	70.95	66.22
MO190	70.83	66.11
MO193	71.95	67.14
MO196	71.95	67.14
MO197	71.95	67.14
MO198	70.95	66.22
MO199	74.01	69.07
MO200	70.83	66.11
MO203	70.95	66.22
MO204	71.95	67.14
MO205	74.01	69.07
MO206	70.83	66.11
MO207	70.83	66.11
MO209	70.83	66.11
MO210	71.95	67.14
MO212	70.83	66.11
MO213	71.95	67.14
MO215	70.95	66.22
MO216	70.95	66.22
MO217	70.83	66.11
MO227	74.01	69.07
MS004	68.65	64.07
MS005	72.09	67.29
MS006	68.65	64.07
MS016	73.58	68.67
MS019	68.65	64.07
MS030	68.65	64.07
MS040	72.09	67.29
MS057	68.65	64.07
MS058	85.08	79.39
MS095	68.65	64.07
MS103	85.08	79.39
MS107	68.65	64.07
MS128	68.65	64.07
MS301	72.09	67.29
MT001	98.46	91.9
MT002	87.17	81.37
MT003	82.22	76.73
MT004	95.6	89.23

MT006	77.45	72.3
MT015	83.92	78.31
MT033	88.63	82.71
MT036	83.92	78.31
MT901	98.46	91.9
NC001	74.23	69.28
NC002	88.68	82.76
NC003	81.33	75.9
NC004	69.64	65
NC006	76.82	71.71
NC007	74.23	69.28
NC008	81.33	75.9
NC009	75.46	70.42
NC011	76.82	71.71
NC012	76.82	71.71
NC013	88.68	82.76
NC014	69.64	65
NC015	74.23	69.28
NC018	69.64	65
NC019	74.23	69.28
NC020	69.64	65
NC021	88.68	82.76
NC022	74.23	69.28
NC025	69.64	65
NC032	69.64	65
NC035	70.29	65.61
NC039	73.08	68.22
NC050	73.92	68.99
NC056	78.21	73.01
NC057	81.33	75.9
NC059	76.82	71.71
NC065	81.33	75.9
NC070	77.37	72.2
NC071	73.08	68.22
NC072	77.04	71.91
NC075	69.64	65
NC077	69.64	65
NC081	76.82	71.71
NC087	74.23	69.28
NC089	69.64	65
NC098	74.23	69.28
NC102	77.37	72.2
NC104	88.68	82.76
NC118	69.64	65
NC120	88.68	82.76
NC134	77.37	72.2
NC137	74.23	69.28

NC138	69.64	65
NC139	69.64	65
NC140	74.23	69.28
NC141	69.64	65
NC144	74.23	69.28
NC145	69.64	65
NC146	69.64	65
NC147	74.23	69.28
NC149	69.64	65
NC150	69.64	65
NC151	70.75	66.04
NC152	74.23	69.28
NC155	69.64	65
NC159	78.21	73.01
NC160	69.64	65
NC161	69.64	65
NC163	73.21	68.33
NC164	88.68	82.76
NC165	69.64	65
NC166	76.82	71.71
NC167	70.95	66.22
NC173	74.23	69.28
NC175	74.23	69.28
NC901	69.64	65
ND001	85.58	79.87
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ND003	84.36	78.74
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ND012	85.58	79.87
ND013	84.36	78.74
ND014	85.58	79.87
ND015	84.36	78.74
ND016	84.36	78.74
ND017	84.36	78.74
ND019	84.36	78.74
ND021	85.58	79.87
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ND026	84.36	78.74
ND030	84.36	78.74
ND031	84.36	78.74
ND035	84.36	78.74
ND036	84.36	78.74
ND037	84.36	78.74
ND038	84.36	78.74



ND039	84.36	78.74
ND044	84.36	78.74
ND049	84.36	78.74
ND052	84.36	78.74
ND054	84.36	78.74
ND055	84.36	78.74
ND070	84.36	78.74
ND901	85.58	79.87
NE001	77.55	72.38
NE002	77.55	72.38
NE003	77.55	72.38
NE004	77.55	72.38
NE010	77.55	72.38
NE041	77.55	72.38
NE078	77.55	72.38
NE083	77.55	72.38
NE094	77.55	72.38
NE100	77.55	72.38
NE104	77.55	72.38
NE114	77.55	72.38
NE120	77.55	72.38
NE123	77.55	72.38
NE141	77.55	72.38
NE150	77.55	72.38
NE153	77.55	72.38
NE157	77.55	72.38
NE174	77.55	72.38
NE175	78.82	73.57
NE179	77.55	72.38
NE181	77.55	72.38
NE182	77.55	72.38
NH001	106.21	99.12
NH002	112.84	105.31
NH003	109.98	102.66
NH004	109.98	102.66
NH005	121.07	112.98
NH006	109.98	102.66
NH007	95.36	89
NH008	109.98	102.66
NH009	98.44	91.87
NH010	113.14	105.59
NH011	86.78	81.01
NH012	92.45	86.28
NH013	109.98	102.66
NH014	109.98	102.66
NH015	86.78	81.01
NH016	86.78	81.01

NH022	134.83	125.85
NH888	112.84	105.31
NH901	106.21	99.12
NJ002	121.98	113.82
NJ003	121.98	113.82
NJ004	104.11	97.17
NJ006	124.91	116.6
NJ007	122.29	114.13
NJ008	122.29	114.13
NJ009	104.11	97.17
NJ010	102.13	95.32
NJ011	124.91	116.6
NJ012	104.11	97.17
NJ013	124.91	116.6
NJ014	103.14	96.28
NJ015	104.11	97.17
NJ021	124.91	116.6
NJ022	124.91	116.6
NJ023	121.98	113.82
NJ025	121.98	113.82
NJ026	104.11	97.17
NJ030	104.11	97.17
NJ032	121.98	113.82
NJ033	124.91	116.6
NJ035	124.91	116.6
NJ036	104.11	97.17
NJ037	121.98	113.82
NJ039	121.98	113.82
NJ042	124.91	116.6
NJ043	124.91	116.6
NJ044	124.91	116.6
NJ046	122.29	114.13
NJ047	124.91	116.6
NJ048	122.29	114.13
NJ049	99.16	92.55
NJ050	121.98	113.82
NJ051	102.13	95.32
NJ052	121.98	113.82
NJ054	122.29	114.13
NJ055	124.91	116.6
NJ056	122.29	114.13
NJ058	102.13	95.32
NJ059	103.14	96.28
NJ060	122.29	114.13
NJ061	99.16	92.55
NJ063	99.16	92.55
NJ065	122.29	114.13

NJ066	121.98	113.82
NJ067	124.91	116.6
NJ068	121.98	113.82
NJ070	124.91	116.6
NJ071	124.91	116.6
NJ073	102.13	95.32
NJ074	102.13	95.32
NJ075	124.91	116.6
NJ077	104.11	97.17
NJ081	122.29	114.13
NJ083	104.11	97.17
NJ084	124.91	116.6
NJ086	121.98	113.82
NJ088	121.98	113.82
NJ089	124.91	116.6
NJ090	124.91	116.6
NJ092	121.98	113.82
NJ095	122.29	114.13
NJ097	124.91	116.6
NJ099	121.98	113.82
NJ102	121.98	113.82
NJ105	121.98	113.82
NJ106	124.91	116.6
NJ108	121.98	113.82
NJ109	121.98	113.82
NJ110	124.91	116.6
NJ112	124.91	116.6
NJ113	121.98	113.82
NJ114	124.91	116.6
NJ118	102.13	95.32
NJ204	102.13	95.32
NJ212	119.84	111.85
NJ214	122.29	114.13
NJ880	122.29	114.13
NJ881	124.91	116.6
NJ882	121.98	113.82
NJ912	121.98	113.82
NM001	92.68	86.5
NM002	71.36	66.6
NM003	73.55	68.65
NM006	92.21	86.05
NM009	109.67	102.35
NM020	72.2	67.38
NM039	71.36	66.6
NM050	109.67	102.35
NM057	92.68	86.5
NM061	71.36	66.6

NM063	72.2	67.38
NM066	91.2	85.11
NM067	71.36	66.6
NM077	92.68	86.5
NM088	76.09	71.03
NV001	93.41	87.18
NV018	102.74	95.9
NV905	93.41	87.18
NY001	89.19	83.26
NY002	83.37	77.83
NY003	138.85	129.6
NY005	120.7	112.64
NY006	81.66	76.23
NY009	96.93	90.47
NY012	96.93	90.47
NY015	96.93	90.47
NY016	84.58	78.94
NY017	69.93	65.27
NY018	74.13	69.19
NY019	81.66	76.23
NY020	96.93	90.47
NY021	80.74	75.35
NY022	96.93	90.47
NY023	138.85	129.6
NY025	96.93	90.47
NY027	89.19	83.26
NY028	96.93	90.47
NY033	96.93	90.47
NY034	81.66	76.23
NY035	138.85	129.6
NY038	138.85	129.6
NY041	102.05	95.24
NY042	138.85	129.6
NY044	102.05	95.24
NY045	109.17	101.89
NY048	66.33	61.91
NY049	124.06	115.79
NY050	138.85	129.6
NY051	124.06	115.79
NY054	95.34	88.99
NY057	138.85	129.6
NY059	81.66	76.23
NY060	84.96	79.3
NY061	76.57	71.47
NY062	124.06	115.79
NY065	77.57	72.41
NY066	78.18	72.97

NY067	73.99	69.05
NY068	72.49	67.65
NY070	83.37	77.83
NY071	86.68	80.9
NY077	138.85	129.6
NY079	91.77	85.66
NY084	120.7	112.64
NY085	138.85	129.6
NY086	138.85	129.6
NY087	71.29	66.53
NY088	138.85	129.6
NY089	102.05	95.24
NY091	83.37	77.83
NY094	138.85	129.6
NY098	81.66	76.23
NY102	89.19	83.26
NY103	109.17	101.89
NY107	89.19	83.26
NY109	81.66	76.23
NY110	120.7	112.64
NY113	138.85	129.6
NY114	120.7	112.64
NY117	138.85	129.6
NY121	138.85	129.6
NY123	138.85	129.6
NY125	124.06	115.79
NY127	138.85	129.6
NY128	138.85	129.6
NY130	138.85	129.6
NY132	138.85	129.6
NY134	124.06	115.79
NY137	124.06	115.79
NY138	120.7	112.64
NY141	138.85	129.6
NY146	138.85	129.6
NY147	138.85	129.6
NY148	120.7	112.64
NY149	138.85	129.6
NY152	138.85	129.6
NY154	138.85	129.6
NY158	124.06	115.79
NY159	138.85	129.6
NY160	120.7	112.64
NY165	138.85	129.6
NY402	86.14	80.38
NY403	66.03	61.63
NY404	83.37	77.83

NY405	83.37	77.83
NY406	102.05	95.24
NY408	96.93	90.47
NY409	83.37	77.83
NY413	84.96	79.3
NY416	96.93	90.47
NY417	81.66	76.23
NY421	96.93	90.47
NY422	96.93	90.47
NY424	96.93	90.47
NY427	96.93	90.47
NY428	96.93	90.47
NY430	96.93	90.47
NY431	96.93	90.47
NY433	66.33	61.91
NY443	81.66	76.23
NY447	96.93	90.47
NY449	83.37	77.83
NY501	96.93	90.47
NY503	96.93	90.47
NY504	89.19	83.26
NY505	84.58	78.94
NY512	96.93	90.47
NY513	96.93	90.47
NY516	96.93	90.47
NY519	96.93	90.47
NY521	89.19	83.26
NY527	89.19	83.26
NY529	109.17	101.89
NY530	84.96	79.3
NY532	96.93	90.47
NY534	81.66	76.23
NY535	96.93	90.47
NY538	96.93	90.47
NY541	72.49	67.65
NY552	81.66	76.23
NY557	96.93	90.47
NY561	96.93	90.47
NY562	96.93	90.47
NY564	96.93	90.47
NY630	96.93	90.47
NY888	138.85	129.6
NY889	69.93	65.27
NY891	138.85	129.6
NY895	138.85	129.6
NY904	120.7	112.64
NY912	83.37	77.83

OH001	76.4	71.29
OH002	69.38	64.74
OH003	80.54	75.16
OH004	77.99	72.78
OH005	71.14	66.4
OH006	80.05	74.72
OH007	79.22	73.95
OH008	69.38	64.74
OH009	66.48	62.05
OH010	66.48	62.05
OH012	80.54	75.16
OH014	69.85	65.19
OH015	77.99	72.78
OH016	68.25	63.7
OH018	68.25	63.7
OH019	70.66	65.95
OH020	69.13	64.53
OH021	71.14	66.4
OH022	71.14	66.4
OH024	66.48	62.05
OH025	80.54	75.16
OH026	67.58	63.06
OH027	80.54	75.16
OH028	70.79	66.07
OH029	78.45	73.21
OH030	66.48	62.05
OH031	79.22	73.95
OH032	66.97	62.51
OH033	66.48	62.05
OH034	66.97	62.51
OH035	66.48	62.05
OH036	66.79	62.34
OH037	66.48	62.05
OH038	77.99	72.78
OH039	66.48	62.05
OH040	66.48	62.05
OH041	66.48	62.05
OH042	80.54	75.16
OH043	76.4	71.29
OH044	69.38	64.74
OH045	66.48	62.05
OH046	66.48	62.05
OH047	66.48	62.05
OH049	77.99	72.78
OH050	66.48	62.05
OH053	66.48	62.05
OH054	69.28	64.66

OH056	66.48	62.05
OH058	66.48	62.05
OH059	76.4	71.29
OH060	66.48	62.05
OH061	68.01	63.48
OH062	71.14	66.4
OH063	66.48	62.05
OH066	66.48	62.05
OH067	66.48	62.05
OH069	66.48	62.05
OH070	76.4	71.29
OH071	80.05	74.72
OH072	66.48	62.05
OH073	80.54	75.16
OH074	68.34	63.79
OH075	66.48	62.05
OH076	66.48	62.05
OH077	66.48	62.05
OH078	66.48	62.05
OH079	76.4	71.29
OH080	68.1	63.55
OH081	68.25	63.7
OH082	66.65	62.19
OH083	76.4	71.29
OH085	80.05	74.72
OH086	66.48	62.05
OH882	80.54	75.16
OK002	74.78	69.79
OK005	72.74	67.89
OK006	71.76	66.98
OK024	71.76	66.98
OK027	71.76	66.98
OK032	71.76	66.98
OK033	72.74	67.89
OK044	71.76	66.98
OK062	71.76	66.98
OK067	71.76	66.98
OK073	72.74	67.89
OK095	73.77	68.86
OK096	71.76	66.98
OK099	71.76	66.98
OK111	71.76	66.98
OK118	71.76	66.98
OK139	74.78	69.79
OK142	72.74	67.89
OK146	71.76	66.98
OK148	73.77	68.86

OK901	74.78	69.79
OR001	98.3	91.73
OR002	98.3	91.73
OR003	97.94	91.42
OR005	91.15	85.08
OR006	112.96	105.43
OR007	93.7	87.46
OR008	105.53	98.49
OR011	105.53	98.49
OR014	105.53	98.49
OR015	112.22	104.74
OR016	98.3	91.73
OR017	89.45	83.5
OR019	99.78	93.12
OR020	97.94	91.42
OR022	98.3	91.73
OR026	99.14	92.53
OR027	89.45	83.5
OR028	98.3	91.73
OR031	102.24	95.44
OR032	93.7	87.46
OR034	108.5	101.27
PA001	71.28	66.52
PA002	102.13	95.32
PA003	69.1	64.49
PA004	86.98	81.17
PA005	71.28	66.52
PA006	71.28	66.52
PA007	102.13	95.32
PA008	89.02	83.08
PA009	84.82	79.16
PA010	71.28	66.52
PA011	86.98	81.17
PA012	102.13	95.32
PA013	86.53	80.76
PA014	71.28	66.52
PA015	71.28	66.52
PA016	77.36	72.2
PA017	71.28	66.52
PA018	71.28	66.52
PA019	73.14	68.27
PA020	80.3	74.95
PA021	73.14	68.27
PA022	81.71	76.26
PA023	102.13	95.32
PA024	86.98	81.17
PA026	71.03	66.28

PA027	67.32	62.82
PA028	92.76	86.59
PA029	72.72	67.87
PA030	69.1	64.49
PA031	75.32	70.3
PA032	72.69	67.84
PA033	71.03	66.28
PA034	77.72	72.52
PA035	89.02	83.08
PA036	90.41	84.39
PA037	77.36	72.2
PA038	69.1	64.49
PA039	83.73	78.14
PA040	69.48	64.84
PA041	70.86	66.14
PA042	69.1	64.49
PA043	69.1	64.49
PA044	69.1	64.49
PA045	71.65	66.86
PA046	102.13	95.32
PA047	69.1	64.49
PA048	83.24	77.69
PA050	69.15	64.55
PA051	102.13	95.32
PA052	89.02	83.08
PA053	71.65	66.86
PA054	70.1	65.42
PA055	71.65	66.86
PA056	68.55	63.97
PA057	69.1	64.49
PA058	71.03	66.28
PA059	68.55	63.97
PA060	71.65	66.86
PA061	71.65	66.86
PA063	71.65	66.86
PA064	69.15	64.55
PA065	71.65	66.86
PA067	86.98	81.17
PA068	69.15	64.55
PA069	75.32	70.3
PA071	84.82	79.16
PA073	69.1	64.49
PA074	69.15	64.55
PA075	89.02	83.08
PA076	86.98	81.17
PA077	70.1	65.42
PA078	112.75	105.24

PA079	71.03	66.28
PA080	70.1	65.42
PA081	86.98	81.17
PA082	81.08	75.67
PA083	69.7	65.05
PA085	67.32	62.82
PA086	68.55	63.97
PA087	86.53	80.76
PA088	96.96	90.49
PA090	90.41	84.39
PA091	82.43	76.92
PA092	69.32	64.7
RI001	130.42	121.74
RI002	130.42	121.74
RI003	130.42	121.74
RI004	130.42	121.74
RI005	121.82	113.69
RI006	130.42	121.74
RI007	130.42	121.74
RI008	110.88	103.49
RI009	130.42	121.74
RI010	130.42	121.74
RI011	130.42	121.74
RI012	130.42	121.74
RI014	130.42	121.74
RI015	130.42	121.74
RI016	130.42	121.74
RI017	130.42	121.74
RI018	130.42	121.74
RI019	130.42	121.74
RI020	130.42	121.74
RI022	130.42	121.74
RI024	130.42	121.74
RI026	130.42	121.74
RI027	130.42	121.74
RI028	130.42	121.74
RI029	130.42	121.74
RI901	130.42	121.74
RQ005	82.5	77
RQ006	82.5	77
RQ007	76.76	71.64
RQ008	82.5	77
RQ009	76.76	71.64
RQ010	76.76	71.64
RQ011	82.5	77
RQ012	76.76	71.64
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RQ020	84.29	78.67
RQ021	82.5	77
RQ022	82.5	77
RQ023	82.5	77
RQ024	82.5	77
RQ025	82.5	77
RQ026	76.76	71.64
RQ027	82.5	77
RQ028	82.5	77
RQ029	76.76	71.64
RQ030	76.76	71.64
RQ031	84.29	78.67
RQ032	82.5	77
RQ033	76.76	71.64
RQ034	82.5	77
RQ035	76.76	71.64
RQ036	82.5	77
RQ037	76.76	71.64
RQ038	82.5	77
RQ039	84.29	78.67
RQ040	84.29	78.67
RQ041	76.76	71.64
RQ042	76.76	71.64
RQ043	76.76	71.64
RQ044	82.5	77
RQ045	82.5	77
RQ046	76.76	71.64
RQ047	82.5	77
RQ048	76.76	71.64
RQ049	82.5	77
RQ050	82.5	77
RQ052	76.76	71.64
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RQ057	76.76	71.64
RQ058	76.76	71.64
RQ059	76.76	71.64
RQ060	76.76	71.64
RQ061	76.76	71.64

RQ062	76.76	71.64
RQ063	82.5	77
RQ064	82.5	77
RQ065	76.76	71.64
RQ066	76.76	71.64
RQ067	76.76	71.64
RQ068	76.76	71.64
RQ069	76.76	71.64
RQ070	82.5	77
RQ071	76.76	71.64
RQ072	82.5	77
RQ073	76.76	71.64
RQ074	76.76	71.64
RQ075	82.5	77
RQ077	82.5	77
RQ080	76.76	71.64
RQ081	82.5	77
RQ082	82.5	77
RQ083	82.5	77
SC001	79.43	74.14
SC002	80.3	74.94
SC003	73.29	68.41
SC004	73.29	68.41
SC005	73.29	68.41
SC007	77.35	72.2
SC008	73.29	68.41
SC015	70.83	66.11
SC016	73.29	68.41
SC018	73.29	68.41
SC019	73.43	68.53
SC020	73.29	68.41
SC021	70.83	66.11
SC022	81.33	75.9
SC023	73.29	68.41
SC024	79.43	74.14
SC025	73.29	68.41
SC026	74.8	69.8
SC027	73.29	68.41
SC028	70.83	66.11
SC029	73.29	68.41
SC030	70.83	66.11
SC031	70.83	66.11
SC032	73.29	68.41
SC033	70.83	66.11
SC034	73.29	68.41
SC035	70.83	66.11
SC036	81.33	75.9

SC037	73.29	68.41
SC046	81.33	75.9
SC056	79.43	74.14
SC057	79.43	74.14
SC059	70.83	66.11
SC911	80.3	74.94
SD010	78.82	73.57
SD011	78.82	73.57
SD014	78.82	73.57
SD016	78.82	73.57
SD026	78.82	73.57
SD034	78.82	73.57
SD035	85.65	79.93
SD036	78.82	73.57
SD037	78.82	73.57
SD039	78.82	73.57
SD043	78.82	73.57
SD045	78.82	73.57
SD047	78.82	73.57
SD048	78.82	73.57
SD055	78.82	73.57
SD056	78.82	73.57
SD057	78.82	73.57
SD058	78.82	73.57
SD059	78.82	73.57
TN001	73.58	68.67
TN002	68.72	64.14
TN003	68.72	64.14
TN004	74.59	69.61
TN005	81.54	76.1
TN006	68.72	64.14
TN007	68.72	64.14
TN012	68.72	64.14
TN013	68.72	64.14
TN020	81.54	76.1
TN024	68.72	64.14
TN026	68.72	64.14
TN035	81.54	76.1
TN038	68.72	64.14
TN042	68.72	64.14
TN054	68.72	64.14
TN062	68.72	64.14
TN065	68.72	64.14
TN066	68.72	64.14
TN076	68.72	64.14
TN079	81.54	76.1
TN088	68.72	64.14

TN113	68.72	64.14
TN117	74.59	69.61
TN903	81.54	76.1
TQ901	130.69	121.99
TX001	93.65	87.41
TX003	79.57	74.25
TX004	89.48	83.51
TX005	84.95	79.3
TX006	82.32	76.85
TX007	72.99	68.13
TX008	83.94	78.33
TX009	96.03	89.63
TX010	71.99	67.19
TX011	71.99	67.19
TX012	84.95	79.3
TX014	71.99	67.19
TX016	70.32	65.63
TX017	84.95	79.3
TX018	71.99	67.19
TX019	70.32	65.63
TX021	70.32	65.63
TX023	82.26	76.76
TX025	72.99	68.13
TX027	96.03	89.63
TX028	72.17	67.34
TX029	72.17	67.34
TX030	71.99	67.19
TX031	93.65	87.41
TX032	84.95	79.3
TX034	82.26	76.76
TX035	70.49	65.78
TX037	82.26	76.76
TX039	70.32	65.63
TX042	70.32	65.63
TX044	70.32	65.63
TX046	72.17	67.34
TX048	70.32	65.63
TX049	70.32	65.63
TX051	72.17	67.34
TX062	72.17	67.34
TX064	72.17	67.34
TX065	72.99	68.13
TX072	70.32	65.63
TX073	72.17	67.34
TX075	70.32	65.63
TX079	71.99	67.19
TX085	99.75	93.09

TX087	93.65	87.41
TX095	96.03	89.63
TX096	70.32	65.63
TX105	70.32	65.63
TX111	73.67	68.76
TX114	70.32	65.63
TX128	96.03	89.63
TX134	70.32	65.63
TX137	71.99	67.19
TX147	70.32	65.63
TX152	70.32	65.63
TX158	71.99	67.19
TX163	83.94	78.33
TX164	83.94	78.33
TX173	72.99	68.13
TX174	83.94	78.33
TX175	70.32	65.63
TX177	72.17	67.34
TX178	70.32	65.63
TX183	70.32	65.63
TX189	70.32	65.63
TX193	82.32	76.85
TX197	71.99	67.19
TX201	70.32	65.63
TX202	72.17	67.34
TX206	72.99	68.13
TX208	71.99	67.19
TX210	71.99	67.19
TX217	70.32	65.63
TX224	72.17	67.34
TX236	71.99	67.19
TX242	70.32	65.63
TX257	71.99	67.19
TX259	93.65	87.41
TX264	93.65	87.41
TX266	93.65	87.41
TX272	70.32	65.63
TX284	70.32	65.63
TX298	70.32	65.63
TX300	70.32	65.63
TX302	83.94	78.33
TX303	82.32	76.85
TX309	70.32	65.63
TX313	83.94	78.33
TX322	93.65	87.41
TX327	71.99	67.19
TX330	70.32	65.63

TX332	70.32	65.63
TX335	70.32	65.63
TX341	71.99	67.19
TX343	82.32	76.85
TX349	89.48	83.51
TX350	82.32	76.85
TX358	70.32	65.63
TX376	70.32	65.63
TX377	93.65	87.41
TX378	70.49	65.78
TX381	70.32	65.63
TX392	96.03	89.63
TX395	72.64	67.8
TX396	70.32	65.63
TX397	70.32	65.63
TX421	70.32	65.63
TX431	89.48	83.51
TX432	79.57	74.25
TX433	89.48	83.51
TX434	96.03	89.63
TX435	96.03	89.63
TX436	96.03	89.63
TX439	79.57	74.25
TX440	84.95	79.3
TX441	84.95	79.3
TX444	71.99	67.19
TX445	72.17	67.34
TX447	72.17	67.34
TX448	72.17	67.34
TX449	70.32	65.63
TX452	82.32	76.85
TX454	70.32	65.63
TX455	92.51	86.34
TX456	82.08	76.61
TX457	77.53	72.36
TX458	71.99	67.19
TX459	80.73	75.35
TX461	74.81	69.84
TX470	71.99	67.19
TX472	71.99	67.19
TX480	93.65	87.41
TX481	71.99	67.19
TX482	71.99	67.19
TX483	84.95	79.3
TX484	91.74	85.62
TX485	70.32	65.63
TX486	71.48	66.7

TX488	70.32	65.63
TX493	96.03	89.63
TX495	89.48	83.51
TX497	72.17	67.34
TX498	73.67	68.76
TX499	71.99	67.19
TX500	70.32	65.63
TX505	84.95	79.3
TX509	72.99	68.13
TX511	70.32	65.63
TX512	70.32	65.63
TX514	71.99	67.19
TX516	70.32	65.63
TX519	70.32	65.63
TX522	96.03	89.63
TX523	73.67	68.76
TX526	96.21	89.79
TX534	92.51	86.34
TX535	70.32	65.63
TX537	71.99	67.19
TX542	71.99	67.19
TX546	71.99	67.19
TX559	96.03	89.63
TX560	84.95	79.3
TX901	84.95	79.3
UT002	86.4	80.64
UT003	86.4	80.64
UT004	86.4	80.64
UT006	86.89	81.09
UT007	86.4	80.64
UT009	86.4	80.64
UT011	86.4	80.64
UT014	98.84	92.24
UT015	98.84	92.24
UT016	98.84	92.24
UT020	86.4	80.64
UT021	88.98	83.05
UT022	86.4	80.64
UT025	86.4	80.64
UT026	86.4	80.64
UT028	98.84	92.24
UT029	98.84	92.24
UT030	86.4	80.64
UT031	86.89	81.09
VA001	87.45	81.62
VA002	68.72	64.14
VA003	87.45	81.62

VA004	128.94	120.35
VA005	79.33	74.03
VA006	87.45	81.62
VA007	79.33	74.03
VA010	67.4	62.91
VA011	69.81	65.15
VA012	87.45	81.62
VA013	70.6	65.89
VA014	70.6	65.89
VA015	63.41	59.18
VA016	88.7	82.79
VA017	87.45	81.62
VA018	63.41	59.18
VA019	128.94	120.35
VA020	79.33	74.03
VA021	63.41	59.18
VA022	64.18	59.89
VA023	64.18	59.89
VA024	63.41	59.18
VA025	87.45	81.62
VA028	128.94	120.35
VA030	63.41	59.18
VA031	68.72	64.14
VA032	68.72	64.14
VA034	63.41	59.18
VA035	128.94	120.35
VA036	88.7	82.79
VA037	63.57	59.32
VA038	63.41	59.18
VA039	87.45	81.62
VA040	63.41	59.18
VA041	87.45	81.62
VA042	68.72	64.14
VA044	64.17	59.89
VA046	128.94	120.35
VA901	79.33	74.03
VQ901	108.74	101.5
VT001	109.99	102.65
VT002	95.34	88.99
VT003	98.62	92.05
VT004	97.64	91.13
VT005	91.41	85.32
VT006	109.99	102.65
VT008	91.41	85.32
VT009	92.4	86.24
VT901	109.99	102.65
WA001	123.37	115.12

WA002	123.37	115.12
WA003	108.97	101.7
WA004	102.31	95.48
WA005	104.76	97.79
WA006	123.37	115.12
WA007	84	78.4
WA008	98.3	91.73
WA011	123.37	115.12
WA012	95.17	88.81
WA013	94.94	88.6
WA014	78.89	73.63
WA017	78.89	73.63
WA018	102.31	95.48
WA020	84	78.4
WA021	95.17	88.81
WA024	120.21	112.17
WA025	117.12	109.3
WA036	108.97	101.7
WA039	123.37	115.12
WA042	98.95	92.35
WA049	112.58	105.06
WA054	104.76	97.79
WA055	94.77	88.46
WA057	102.88	96.02
WA061	107.08	99.94
WA064	97.44	90.93
WA071	86.46	80.69
WI001	76.42	71.32
WI002	73.99	69.06
WI003	82.35	76.86
WI006	70.89	66.16
WI011	63.17	58.95
WI020	103.31	96.43
WI031	62.14	58
WI043	62.3	58.16
WI045	62.14	58
WI047	62.14	58
WI048	62.14	58
WI060	103.31	96.43
WI064	68.65	64.08
WI065	62.3	58.16
WI068	63.17	58.95
WI069	63.17	58.95
WI070	62.14	58
WI083	73.99	69.06
WI085	62.14	58
WI091	62.14	58

WI096	62.14	58
WI127	62.14	58
WI131	62.14	58
WI142	73.99	69.06
WI160	62.14	58
WI166	62.14	58
WI183	67.59	63.08
WI186	62.14	58
WI193	62.14	58
WI195	76.51	71.4
WI201	73.99	69.06
WI203	68.65	64.08
WI204	63.17	58.95
WI205	62.14	58
WI206	62.14	58
WI208	62.14	58
WI213	62.3	58.16
WI214	82.35	76.86
WI218	73.99	69.06
WI219	68.65	64.08
WI221	62.14	58
WI222	62.14	58
WI231	62.14	58
WI233	62.14	58
WI237	63.3	59.08
WI241	62.14	58
WI244	68.22	63.67
WI245	62.14	58
WI246	62.58	58.4
WI248	62.14	58
WI256	62.14	58
WI901	62.14	58
WV001	85.71	80
WV003	69.13	64.53
WV004	70.66	65.95
WV005	67.82	63.3
WV006	71.43	66.66
WV009	72.19	67.38
WV010	73.5	68.6
WV015	67.82	63.3
WV016	69.85	65.19
WV017	64.93	60.6
WV018	64.93	60.6
WV027	66.28	61.87
WV034	64.93	60.6
WV035	67.25	62.78
WV037	70.66	65.95

WV039	67.82	63.3
WV042	67.82	63.3
WV045	64.93	60.6

WY002	89.7	83.73
WY003	75.62	70.58
WY004	108.08	100.88

WY013	75.62	70.58
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[FR Doc. 2022-18301 Filed 8-24-22; 8:45 am]

BILLING CODE 4210-67-C

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2022-0102;  
FXIA1671090000-223-FF09A30000]

#### Marine Mammal Protection Act; Receipt of Permit Application

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice of receipt of permit  
application; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on foreign or native species for which the Service has jurisdiction under the Marine Mammal Protection Act (MMPA). With some exceptions, the MMPA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The MMPA also requires that we invite public comment before issuing permits for any activity otherwise prohibited with respect to any species.

**DATES:** We must receive comments by September 26, 2022.

#### ADDRESSES:

*Obtaining Documents:* The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS-HQ-IA-2022-0102.

*Submitting Comments:* When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2022-0102.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2022-0102; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION.**

#### FOR FURTHER INFORMATION CONTACT:

Brenda Tapia, by phone at 703-358-2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

###### A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on permit applications. Before issuing any requested permits, we take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

###### B. May I review comments submitted by others?

You may view and comment on others' public comments at <https://www.regulations.gov>, unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

###### C. Who will see my comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal

identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

##### II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 104(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the MMPA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Service regulations regarding permits for any activity otherwise prohibited by the MMPA with respect to any marine mammals are available in title 50 of the Code of Federal Regulations in part 18. Concurrent with publishing a notice in the **Federal Register**, we forward copies of marine mammal applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

##### III. Permit Application

We invite comments on the following application.

*Applicant:* NOAA/Alaska Fisheries Science Center, Seattle, WA; Permit No. 84399D

The applicant requests a permit to conduct aerial surveys of polar bears (*Ursus maritimus*) in the wild, to estimate abundance and for detection and classification model development for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

##### IV. Next Steps

After the comment period closes, we will make a decision regarding permit



issuance. If we issue a permit to the applicant listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for "12345A".

**V. Authority**

We issue this notice under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and its implementing regulations.

**Brenda Tapia,**

*Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2022-18321 Filed 8-24-22; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

[FWS-R4-ES-2022-N043;  
FVHC98220410150-XXX-FF04H00000]

**Louisiana Trustee Implementation Group; Deepwater Horizon Oil Spill Draft Phase 2 Restoration Plan/ Environmental Assessment #7.1: Terrebonne HNC Island Restoration Project**

**AGENCY:** Department of the Interior.

**ACTION:** Notice of availability; request for public comments.

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Deepwater Horizon Oil Spill Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS), Record of Decision and the Consent Decree, the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (LA TIG) have prepared the *Draft Phase 2 Restoration Plan/Environmental Assessment #7.1: Terrebonne HNC Island Restoration Project* (RP/EA #7.1). RP/EA #7.1 proposes design alternatives for construction of one project to help restore bird species injured in the Louisiana Restoration Area as a result of the *Deepwater Horizon (DWH)* oil spill: the Terrebonne HNC Restoration Project (HNC Island project). The project was approved for engineering and design (E&D) in a 2020 restoration plan entitled *Louisiana Trustee Implementation Group Final Restoration Plan #7: Wetlands, Coastal, and Nearshore Habitats and Birds* (RP/EA #7). RP/EA #7.1 analyzes a reasonable range of design alternatives for the project and proposes a preferred design alternative, HNC design alternative 7A, for construction. A No Action alternative is also analyzed for the project. We invite comments on the Draft RP/EA #7.1.

**DATES:**

*Submitting Comments:* We will consider public comments on the Draft RP/EA #7.1 received on or before September 26, 2022.

*Public Webinar:* The LA TIG will host a public webinar on September 8, 2022, starting at 2 p.m. Central Time, followed immediately by the LA TIG's annual meeting. Members of the public may remain online at the close of the RP/EA #7.1 webinar to attend the annual meeting. The public may register for the webinar at <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>. After registering, participants will receive a confirmation email with instructions for joining the webinar. Instructions for commenting will be provided during the webinar. Shortly after the webinar is concluded, the presentation material will be posted on the web at <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.

**ADDRESSES:** *Obtaining Documents:* You may download the Draft RP/EA #7.1 at <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>. Alternatively, you may request a CD-ROM containing the Draft RP/EA #7.1 (see **FOR FURTHER INFORMATION CONTACT**). Hard copies are also available for review during the public comment period at the locations listed in the following table.

Library	Address	City	Zip
St. Tammany Parish Library	310 W. 21st Avenue	Covington	70433
Terrebonne Parish Library	151 Library Drive	Houma	70360
New Orleans Public Library, Louisiana Division	219 Loyola Avenue	New Orleans	70112
East Baton Rouge Parish Library	7711 Goodwood Boulevard	Baton Rouge	70806
Jefferson Parish Library, East Bank Regional Library	4747 W. Napoleon Avenue	Metairie	70001
Jefferson Parish Library, West Bank Regional Library	2751 Manhattan Boulevard	Harvey	70058
Plaquemines Parish Library	8442 Highway 23	Belle Chasse	70037
St. Bernard Parish Library	1125 E. St. Bernard Highway	Chalmette	70043
St. Martin Parish Library	201 Porter Street	St. Martinville	70582
Alex P. Allain Library	206 Iberia Street	Franklin	70538
Vermilion Parish Library	405 E. St. Victor Street	Abbeville	70510
Martha Sowell Utley Memorial Library	314 St. Mary Street	Thibodaux	70301
South Lafourche Public Library	16241 E. Main Street	Cut Off	70345
Calcasieu Parish Public Library Central Branch	301 W. Claude Street	Lake Charles	70605
Iberia Parish Library	445 E. Main Street	New Iberia	70560
Mark Shirley, LSU AgCenter	1105 West Port Street	Abbeville	70510

*Submitting Comments:* You may submit comments on the Draft RP/EA #7.1 by one of the following methods:

- *internet:* <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.
- *U.S. Mail:* US Fish and Wildlife Service Gulf Restoration Office, 1875 Century Blvd., Atlanta, GA 30345. To be considered, mailed comments must be

postmarked on or before the comment deadline given in **DATES**.

- *During the public webinar:* Written comments may be provided by the public during the webinar. Webinar information is provided in **DATES**.

**FOR FURTHER INFORMATION CONTACT:** Nanciann Regalado, at [nanciann\\_regalado@fws.gov](mailto:nanciann_regalado@fws.gov) or 678-296-6805. Individuals in the United States who are

deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

## Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *DWH* oil spill is the largest offshore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The Trustees conducted the natural resource damage assessment (NRDA) for the *DWH* oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship to baseline (the resource quality and conditions that would exist if the spill had not occurred). This includes the loss of use and services provided by those resources from the time of injury until the completion of restoration.

The *DWH* Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;

- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

On April 4, 2016, the United States District Court for the Eastern District of Louisiana entered a consent decree resolving civil claims by the Trustees against BP arising from the *DWH* oil spill: *United States v. BPXP et al.*, Civ. No. 10–4536, centralized in MDL 2179, In re: Oil Spill by the Oil Rig *Deepwater Horizon* in the Gulf of Mexico, on April 20, 2010 (E.D. La.) (<http://www.justice.gov/enrd/deepwater-horizon>). Pursuant to the consent decree, restoration projects in the Louisiana Restoration Area are chosen and managed by the LA TIG. The LA TIG is composed of the following Trustees: State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Departments of Environmental Quality, Wildlife and Fisheries, and Natural Resources; DOI; NOAA; EPA; and USDA.

## Background

The Final PDARP/PEIS provides for TIGs to propose phasing restoration projects across multiple restoration plans. A TIG may propose in a draft restoration plan conceptual projects to fund for an information-gathering planning phase, such as E&D (phase 1). This allows TIGs to develop information needed to fully consider a subsequent implementation phase in a later restoration plan (phase 2). In the final RP/EA #7, the LA TIG selected three conceptual projects for E&D, using funds from the “Wetlands, Coastal and Nearshore Habitats” and “Birds” restoration types, as provided for in the *DWH* Consent Decree. One of the projects selected for E&D in the final RP/EA #7 under the “Birds” restoration type, the Terrebonne HNC Island project, has design alternatives that are now at a stage where proposed construction alternatives (phase 2) may be analyzed under the OPA NRDA regulations and NEPA. Therefore, in the Draft RP/EA #7.1, the Louisiana TIG is proposing to implement their preferred design alternative to construct the Terrebonne HNC Island project.

## Overview of the LA TIG Draft RP/EA #7.1

The Draft RP/EA #7.1 is being released in accordance with OPA NRDA

regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA and its implementing regulations found at 40 CFR parts 1500–1508, the Final PDARP/PEIS, and the Consent Decree. The RP/EA #7.1 provides OPA, NRDA, and NEPA analyses for a reasonable range of design alternatives for the Terrebonne HNC Island project and identifies the LA TIG's preferred design alternative for the project.

The preferred design alternative, HNC design alternative 7A, would increase the acreage of the island from 27.6 acres to approximately 41.4 acres of shrub nesting, ground nesting, and marsh habitat. An existing, degraded perimeter rock dike would be restored, and breakwaters could be constructed on the northeast side of the island to provide further protection as well as calm water for loafing. The approximate cost to implement the preferred alternative is \$34 million. A second design alternative, HNC design alternative 7, is also evaluated in the restoration plan, as well as a No Action alternative.

## Next Steps

As described above in **DATES**, the Trustees will host a public webinar to facilitate the public review and comment process. After the public comment period ends, the Trustees will consider and address the comments received before issuing a final RP/EA #7.1.

## Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## Administrative Record

The documents comprising the Administrative Record for the RP/EA #7.1 can be viewed electronically at <https://www.doi.gov/deepwaterhorizon/adminrecord>.

## Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its

implementing regulations found at 40 CFR parts 1500–1508.

**Mary Josie Blanchard,**

*Department of the Interior, Director of Gulf of Mexico Restoration.*

[FR Doc. 2022–18287 Filed 8–24–22; 8:45 am]

**BILLING CODE 4310–10–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCA942000 L57000000.BX0000  
16XL5017AR; MO#4500163679]

#### Filing of Plats of Survey: California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of official filing.

**SUMMARY:** The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), California State Office, Sacramento, California, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Fish and Wildlife Service, Bureau of Indian Affairs and Bureau of Land Management, are necessary for the management of these lands.

**DATES:** Unless there are protests to this action, the plats described in this notice will be filed on September 26, 2022.

**ADDRESSES:** You may submit written protests to the BLM California State Office, Cadastral Survey, 2800 Cottage Way, W–1623, Sacramento, CA 95825. A copy of the plats may be obtained from the BLM California State Office, Public Room, 2800 Cottage Way, W–1623, Sacramento, California 95825, upon required payment.

**FOR FURTHER INFORMATION CONTACT:** Joan Honda, Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way, W–1623, Sacramento, California 95825; 1–916–978–4316; *jhonda@blm.gov*.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Honda. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The lands surveyed are:

#### Humboldt Meridian, California

T. 13 N., R. 1 E., dependent resurvey and metes-and-bounds survey, for Group No. 1779, accepted February 22, 2022.

T. 6 N., R. 1 W., dependent resurvey, subdivision, meander survey and metes-and-bounds survey, for Group No. 1788, accepted May 26, 2022.

#### Mount Diablo Meridian, California

T. 9 S., R. 23 E., dependent resurvey, subdivision and metes-and-bounds survey, for Group No. 1794, accepted March 17, 2022.

T. 5 N., R. 4 E., corrective dependent resurvey, for Group No. 1796, accepted May 12, 2022.

#### San Bernardino Meridian, California

T. 9 N., R. 2 W., supplemental plat, accepted May 12, 2022.

A person or party who wishes to protest one or more plats of survey must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. Any notice of protest received after the due date will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed at the same address within 30 calendar days after the notice of protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available at any time. While you can ask the BLM to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* 43 U.S.C., chapter 3.

**Joan H. Honda,**

*Chief Cadastral Surveyor.*

[FR Doc. 2022–18307 Filed 8–24–22; 8:45 am]

**BILLING CODE 4310–40–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNMF02000.L16100000.DP0000.  
223L1109AF]

#### Notice of Intent To Amend the Taos Resource Management Plan and Prepare an Environmental Assessment for the Proposed Recreational Shooting Range Project on Public Lands in Santa Fe County

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) New Mexico State Director intends to prepare a resource management plan (plan) amendment with an associated environmental assessment (EA) to propose the development of up to three recreational shooting ranges and closure of certain areas to recreational shooting. This notice is announcing the beginning of the scoping period to solicit public comments and identify issues, provides the planning criteria for public review, and announces the comment period on the BLM's proposed target shooting closures.

**DATES:** The BLM requests comments concerning the scope of the analysis, potential alternatives, planning criteria, and identification of relevant information or studies by October 24, 2022. To afford the BLM the opportunity to consider issues raised by commenters in the draft plan amendment/analysis, please ensure your comments are received prior to the close of the 60-day scoping period or 15 days after the last public meeting, whichever is later. Public scoping meetings will be held during the scoping period. The dates, times, and locations of the public meetings will be announced at least 15 days in advance.

In addition, this notice also announces the opening of a 60-day comment period for proposed target shooting closures. The BLM must receive your target shooting related comments by October 24, 2022. The BLM will provide additional opportunities for public participation as appropriate.

**ADDRESSES:** You may submit comments on issues related to the Recreational Shooting Range Project, including the plan amendment and proposed closures, by any of the following methods:

- *Website:* <https://eplanning.blm.gov/eplanning-ui/project/2013605/510>
- *Mail:* Bureau of Land Management, Attention: Brad Higdon, 1024 Paseo del Pueblo Sur, Taos, NM 87571

Documents pertinent to this proposal may be examined at the Taos Field Office, 1024 Paseo del Pueblo Sur in Taos, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Brad Higdon, Planning and Environmental Specialist, telephone (575) 751-4725; address 1024 Paseo del Pueblo Sur, Taos, NM 87571; email [bhigdon@blm.gov](mailto:bhigdon@blm.gov). Contact Mr. Higdon to have your name added to our mailing list. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The closure of certain areas within Santa Fe County, New Mexico, would be conducted in compliance with the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Dingell Act), 16 U.S.C. 7913.

This document provides notice that the BLM New Mexico State Director intends to amend the 2012 Taos Resource Management Plan with an associated EA proposing to develop recreational shooting ranges and close unsafe areas along roads to target shooting, thus beginning the scoping process. Additionally, this notice seeks public input on issues and planning criteria that are subject to the plan amendment and seeks comments on proposed target shooting closures. The plan amendment will allow the BLM to address public safety issues and evaluate providing safe, controlled target shooting opportunities on public lands. The planning area is located in Santa Fe County, New Mexico, and encompasses approximately 38,000 acres of public land. While the planning area includes lands designated within the Santa Fe Ranch and La Cienega Areas of Critical Environmental Concern, the scope of this land use plan amendment does not include evaluation or designation of special management areas, including areas of critical environmental concern. The BLM is not considering nominations for areas of critical environmental concern as part of this process.

### Purpose and Need

The purpose of the proposed action is to provide safe, controlled opportunities for recreational shooting on BLM-managed lands in Santa Fe County, away from residential areas, and in a manner that minimizes impacts to other resources and public land users. The action is needed to address conflicts associated with the concentration of unmanaged target shooting activities near residential areas. Unconfined target shooting activities in three urban-interface areas—Buckman, Camel Tracks, and San Pedro Mountains—are causing public safety concerns, degradation of natural and cultural resources, waste accumulation, threat of wildfire, and noise disturbances inconsistent with the BLM's responsibilities under FLPMA section 102(a)(8). Residents in neighboring areas have repeatedly expressed concerns regarding the safe enjoyment of their private properties, the threat of wildfire ignitions from shooting-related activities, and disruptive noise. Most importantly, when more than one shooting party is present, the lack of controls in these areas pose safety risks to other recreationalists, livestock grazing permittees, and other public land users. These impacts persist despite repeated efforts by the BLM to remove trash and lead contaminants, mitigate fuelwood loads around undeveloped shooting locations, and public education efforts. The lack of public shooting ranges in Santa Fe County has led to the three areas on BLM-managed lands to becoming de facto shooting destinations.

### Preliminary Alternatives

The BLM is proposing to develop up to three recreational shooting ranges, remediate currently used undeveloped shooting locations, and close certain areas of public lands to recreational target shooting. These recreational shooting closures require an amendment to the Taos Resource Management Plan (RMP). The agency is proposing the plan amendment to identify and specify areas closed to recreational shooting. In the Buckman and San Pedro Mountain areas, the proposed closures would be new land use allocations limiting shooting sports to only hunting activities, while the closure in the Camel Tracks area would expand a shooting closure currently implemented under the Taos RMP. The BLM may also consider limiting recreational and other uses downrange of the proposed shooting ranges as additional safety precautions.

The BLM proposes to apply permanent shooting closures to the following three areas:

**Buckman:** The potential closure would apply to approximately 13,622 acres of the 21,115 acres of BLM-managed public lands. The area proposed for closure to recreational shooting in Buckman, which encompasses the Santa Fe Ranch ACEC, would include public lands within the following:

- T. 19 N., R. 8 E., NMPM Sec. 31.
- T. 18 E., R. 7 E., NMPM Secs. 1 and 12.
- T. 18 E., R. 8 E., NMPM Secs. 5, 6, 7, 8, 11, 12, 13, 14, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, and 35.
- T. 17 N., R. 8 E., NMPM Secs. 3, 4, 9, 10, 15, and 22.

**Camel Tracks:** The potential closure would apply to approximately 7,260 acres of the 14,259 acres of BLM-managed public lands. Public lands proposed for closure to recreational shooting in Camel Tracks, which encompasses La Cienega Area of Critical Environmental Concern, include lands within the following:

- T. 16 N., R. 7 E., NMPM Secs. 1, 10, 11, 12, 13, 14, 15, 22, 23, 24, 26, and 27.
- T. 16 N., 8 E., NMPM Secs. 7, 8, 18, and 19.

**San Pedro Mountains:** The potential closure would apply to approximately 827 acres of the 2,565 acres of BLM managed lands. Public lands proposed for closure to recreational target shooting in this area include lands within the following:

- T. 12 N., R. 7 E., NMPM Secs. 17, 20, 21, 22, 27, 28, 29, and 32.

The BLM welcomes comments on this preliminary alternative as well as suggestions for additional alternatives.

### Planning Criteria

Planning criteria guide the planning effort and lay the groundwork for effects analysis by identifying the preliminary issues and their analytical frameworks. Preliminary issues for the planning area have been identified by the BLM interdisciplinary team and from early engagement conducted for this planning effort with federal, state, and local agencies; Tribes; and stakeholders.

Preliminary issues identified for the proposed shooting range development and associated closures include the following: public safety, recreational opportunities, noise, and potential impacts to soils, biological resources, and cultural resources, including traditional cultural properties. The

preliminary planning criteria for the plan amendment includes the following: (1) the scope of the plan amendment is limited to prohibiting a single use (recreational target shooting) on certain portions of public lands; (2) the plan amendment will carefully weigh the benefits of enhanced opportunities for recreational shooting at developed ranges against the adverse effects of the recreational shooting opportunities foregone by the proposed shooting closures in the three areas; (3) the closure to a public land use will be applied to the smallest area necessary to provide for public safety, sustainable resource management, and the protection of important resource values, consistent with the Dingell Act of 2019; (4) the prohibited use will only apply to recreational target shooting and any discharge of firearms for purposes other than active, lawful hunting on the public lands identified above; (5) the amendment will comply with FLPMA, NEPA, and all other applicable laws, regulations, Executive and Secretarial Orders, and policies; (6) the amendment will incorporate all other management decisions brought forward from the Taos Resource Management Plan, approved in May 2012; (7) broad-based public participation and collaboration will be an integral part of the planning process; (8) the planning process will provide for ongoing consultation with Native American tribal governments and strategies for protecting traditional cultural properties; and (9) the BLM will work collaboratively with cooperating agencies and all other interested groups, agencies, and individuals.

#### Public Scoping Process

This notice of intent initiates the scoping period and public review of the planning criteria, which guide the development and analysis of the RMP amendment and EA.

The BLM will hold two in-person meetings in Santa Fe and one virtual meeting online. The specific dates and location(s) of these scoping meetings will be announced at least 15 days in advance through email, mail, local media, and on the ePlanning project web page identified in the **ADDRESSES** section, above.

#### Dingell Act Recreational Shooting Closures

In accordance with the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Dingell Act, Pub. L. 116–9, section 4103), the BLM is announcing the opening of a 60-day public comment period on the proposed permanent shooting closures in the areas described under Preliminary

Alternatives above. The closures are proposed to eliminate conflicts and safety issues associated with recreational shooting, including conflicts with other public lands users, neighboring residents, and the degradation of cultural and natural resources. The closures would relocate recreational shooting opportunities away from residential areas and encourage the use of developed shooting ranges where opportunities would be enhanced. The closures would also allow for the removal of trash and lead contaminants and the remediation of soils, vegetation, and wildlife habitat in the three areas. Comments may be submitted using any of the methods listed in the **ADDRESSES** section, above.

#### Interdisciplinary Team

The BLM will use an interdisciplinary approach to develop the plan and to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in this planning effort: archaeology, botany, biology, land use planning, range management, realty, and outdoor recreation.

#### Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed plan amendment and all reasonable alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the proposed plan amendment or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation. Mitigation may be considered at multiple scales, including the landscape scale.

The BLM will utilize and coordinate the NEPA and land use planning processes for this planning effort to help support procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribes on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other

Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribes and stakeholders that may be interested in or affected by the proposed plan amendment that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the EA as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* 40 CFR 1501.7 and 43 CFR 1610.2.

**Melanie G. Barnes,**

*State Director, BLM New Mexico.*

[FR Doc. 2022–18328 Filed 8–24–22; 8:45 am]

**BILLING CODE 4331–23–P**

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0107]

#### Agency Information Collection Activities; Proposed eCollection of eComments Requested; National Firearms Act (NFA) Responsible Person Questionnaire—ATF Form 5320.23

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until September 26, 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/](http://www.reginfo.gov/public/do/)

*PRAMain*. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension without Change of a Currently Approved Collection.
2. *The Title of the Form/Collection:* National Firearms Act (NFA) Responsible Person Questionnaire.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*  
Form number: ATF Form 5320.23.  
*Sponsor:* Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*  
*Primary:* Business or other for-profit, Federal Government, State Local or Tribal Government.  
*Other:* Not-for-profit institutions and Farms.  
*Abstract:* The National Firearms Act (NFA) Responsible Person Questionnaire—ATF Form 5320.23 (ATF Form 5320.23) must be completed by a responsible person (RP), identified as part of a trust or legal entity on the Application to Make and Register a Firearm—ATF Form 1 (5320.1) (ATF Form 1). This form must also be

completed by a RP who is the identified as the firearm maker or the transferee on the Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4) (ATF Form 4), or the Application for Tax Exempt Transfer of Firearm—ATF Form 5 (5320.5) ATF Form 5.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 115,829 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 57,914.5 or 57,915 hours, which is equal to 115,829 (total respondents) \* 1 (# of response per respondent) \* .5 (30 minutes or the time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E-206, Washington, DC 20530.

Dated: August 19, 2022.

**Robert J. Houser,**  
*Assistant Director, Policy and Planning Staff,*  
*U.S. Department of Justice.*

[FR Doc. 2022-18310 Filed 8-24-22; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

[OLP Docket No. 174]

### Arizona Chapter 154 Certification Review; Notice regarding Arizona’s June 2022 Response

**AGENCY:** Department of Justice.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the State of Arizona has provided additional information about its capital counsel mechanism, and solicits public comment on that supplemental information.

**DATES:** Written and electronic comments must be submitted on or before October 24, 2022. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until Midnight Eastern Time at the end of that day.

**ADDRESSES:** To ensure proper handling of comments, please reference “Docket

No. OLP 174” on all electronic and written correspondence. The Department encourages that all comments be submitted electronically through <http://www.regulations.gov> using the electronic comment form provided on that site. Paper comments that duplicate the electronic submission should not be submitted. Individuals who wish to submit written comments may send those to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section immediately below.

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530; telephone (202) 514-8059.

**SUPPLEMENTARY INFORMATION:** Chapter 154 of title 28 of the United States Code (chapter 154) provides special procedures for federal habeas corpus review of cases brought by prisoners in State custody who are subject to capital sentences. These special procedures may be available to a State only if the Attorney General of the United States has certified that the State has established a qualifying mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings for indigent capital prisoners. 28 U.S.C. 2261, 2265; 28 CFR part 26.

By letter dated April 13, 2020, the State of Arizona was notified of former Attorney General William Barr’s certification of Arizona’s capital counsel mechanism under chapter 154, and the statement of certification and supporting analysis (Certification) was published in the **Federal Register** on April 14, 2020 (85 FR 20705). As permitted by chapter 154, a group of Arizona capital prisoners and the Arizona Federal Public Defender’s Office instituted a petition for review of the Certification on April 29, 2020 in the U.S. Court of Appeals for the District of Columbia Circuit. See 28 U.S.C. 2265(c). On February 10, 2021, the U.S. Department of Justice (Department) informed the court that then-Acting Attorney General Monty Wilkinson had determined that aspects of the Certification may benefit from further consideration or further development of the record. On April 28, 2021, the Department moved for a voluntary remand of the Certification to facilitate further development of the administrative record and reconsideration of the Certification by Attorney General Merrick Garland. The court granted that motion on May 26, 2021. *Office of the Federal Public*

*Defender for the District of Arizona v. Garland*, No. 20–1144, Doc. 1900251 (D.C. Cir.).

Thereafter, the Department sent a letter dated October 12, 2021, to Arizona requesting that the State provide answers to a number of questions that had arisen during the Department's ongoing review of the Certification. This notice advises the public that the State of Arizona has submitted additional information in response, in a letter dated June 24, 2022, and solicits public comment on that supplemental information. The correspondence with Arizona, including its letter of June 24, 2022, may be viewed at <https://www.justice.gov/olp/pending-requests-final-decisions>.

Dated: August 18, 2022.

**Hampton Y. Dellinger,**

*Assistant Attorney General.*

[FR Doc. 2022–18252 Filed 8–24–22; 8:45 am]

BILLING CODE 4410–BB–P

## DEPARTMENT OF JUSTICE

[OMB Number 1125–0007]

### Agency Information Collection Activities; Proposed Collection; eComments Requested; Immigration Practitioner Complaint Form

**AGENCY:** Executive Office for Immigration Review, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Executive Office for Immigration Review, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until October 24, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Renewal with changes of a currently approved collection.

2. *The Title of the Form/Collection:* Immigration Practitioner Complaint Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: EOIR–44:

*Sponsor:* Office of General Counsel, Executive Office for Immigration Review, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals who wish to file a complaint against an immigration practitioner authorized to appear before the Board of Immigration Appeals and the immigration courts. Abstract: The information on this form will be used to determine whether the Office of the General Counsel of the Executive Office for Immigration Review should conduct a preliminary disciplinary inquiry, request additional information from the complainant, refer the matter to a state bar disciplinary authority or other law enforcement agency, or take no further action.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 125 respondents will complete the form annually, with an average of 2 hours per response.

6. *An estimate of the total public burden (in hours) associated with the*

*collection:* The estimated public burden associated with this collection is 250 hours. It is estimated that respondents will take 2 hours to complete the form. The burden hours for collecting respondent data sum to 250 hours (125 respondents × 2 hours = 250 hours).

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, Suite 3E.206, Washington, DC 20530.

Dated: August 19, 2022.

**Robert Houser,**

*Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.*

[FR Doc. 2022–18308 Filed 8–24–22; 8:45 am]

BILLING CODE 4410–30–P

## DEPARTMENT OF JUSTICE

[OMB Number 1125–0001]

### Agency Information Collection Activities; Proposed Collection; eComments Requested; Application for Cancellation of Removal (42A) for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status (42B) for Certain Nonpermanent Residents

**AGENCY:** Executive Office for Immigration Review, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until October 24, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning

the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

1. *Type of Information Collection:* Renewal with changes to a currently approved collection.

2. *The Title of the Form/Collection:* Application for Cancellation of Removal for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers: EOIR-42A and EOIR-42B:

*Sponsor:* Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals in removal proceedings before EOIR determined to be removable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individuals in removal proceedings who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 31,788 respondents will complete the form annually with an average of 5 hours and 50 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 185,430 hours.

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, Suite 3E.206, Washington, DC 20530.

Dated: August 19, 2022.

**Robert Houser,**

*Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.*

[FR Doc. 2022-18309 Filed 8-24-22; 8:45 am]

**BILLING CODE 4410-30-P**

#### DEPARTMENT OF JUSTICE

##### Notice of Lodging of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

On August 19, 2022, the Department of Justice lodged two proposed Consent Decrees with the United States District Court for the Southern District of Indiana in the lawsuit entitled *United States v. Bridgestone Americas Tire Operations, LLC, et al.*, Case No. 1:22-cv-01647.

The United States filed a Complaint in this lawsuit under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607. The Complaint seeks reimbursement of more than \$1.98 million in costs that the U.S. Environmental Protection Agency ("EPA") incurred for environmental cleanup-related response activities relating to the New Castle Asbestos Site in New Castle, Indiana. The three defendants in the lawsuit are Bridgestone Americas Tire Operations, LLC ("BATO"), Lear Siegler Diversified Holdings Corp. ("Lear Siegler"), and Ferodo America, LLC ("Ferodo").

When the Complaint was filed, the United States also lodged two proposed Consent Decrees that would settle the claims asserted in the Complaint on agreed terms and conditions. The defendants would pay the United States a total of \$850,000 in settlement of the United States' claims for recovery of EPA's unreimbursed past costs. Under one Consent Decree, BATO would pay \$425,000 and Ferodo would pay \$275,000. Under the other Consent Decree, Lear Sigler would pay \$150,000.

The publication of this notice opens a period for public comment on the

proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Bridgestone Americas Tire Operations, LLC, et al.*, D.J. Ref. No. 90-11-2-770/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decrees may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decrees upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

For a copy of the Consent Decree with BATO and Ferodo, please enclose a check or money order for \$6.75 (27 pages at 25 cents per page reproduction cost) payable to the United States Treasury. For a copy of the Consent Decree with Lear Siegler, please enclose a check or money order for \$6.25 (25 pages at 25 cents per page reproduction cost) payable to the United States Treasury.

**Susan M. Akers,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2022-18306 Filed 8-24-22; 8:45 am]

**BILLING CODE 4410-15-P**

#### DEPARTMENT OF JUSTICE

##### Notice of Lodging of Proposed Second Agreement and Order Regarding Modification of the Consent Decree With Respect to TESI Under the Clean Water Act

On August 17, 2022, the Department of Justice lodged a proposed Second Agreement and Order Regarding Modification of the Consent Decree with Respect to TESI ("the Second Consent Decree Modification") with the United States District Court for the Western District of Louisiana in the lawsuit



entitled *United States and Louisiana v. Acadia Woods Add. #2 Sewer Co., et al.*, Civil Action No. 6:98-0687.

In its Second Amended Complaint, the United States alleged claims related to violations of the Clean Water Act and applicable discharge permits at sewage treatment plants in Louisiana owned and operated by Johnson Properties, Inc. and its subsidiaries. Subsequently, the sewage treatment plants were sold to Intervening Defendant Total Environmental Solutions, Inc. (“TESI”). The United States, Louisiana, and TESI agreed to the Consent Decree with Respect to TESI (“the Original Consent Decree”) which was entered by the Court on December 21, 2000. In the Original Consent Decree, TESI committed to operate the sewage treatment plants without service interruption and implement compliance measures intended to cause the sewage treatment plants to achieve compliance with the requirements of the CWA and the applicable discharge permits.

The court entered a modification of the Consent Decree on May 18, 2017 (the First Consent Decree Modification) that required TESI to achieve compliance with the requirements of the Clean Water Act and the applicable discharge permits by implementing additional compliance measures. The First Consent Decree Modification also specified procedures and a schedule pursuant to which TESI, after it implemented the additional compliance measures, could request removal of sewage treatment plants from the Consent Decree. Finally, the First Consent Decree Modification revised the stipulated penalty provisions.

The proposed Second Consent Decree Modification provides for the transfer of sewage treatment plants that remain subject to the Consent Decree to Magnolia Water Utility Operating Company, LLC (“Magnolia”) which would be substituted for TESI as Intervening Defendant. The proposed Second Consent Decree Modification would also modify the schedule to provide Magnolia additional time to complete that the work required by the modified Consent Decree, modify some of the injunctive relief requirements for the sewage treatment plants that remain subject to the Consent Decree, and reduce stipulated penalties during the initial six months of Magnolia’s operations.

The publication of this notice opens a period for public comment on the Second Consent Decree Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United*

*States and Louisiana v. Acadia Woods Add. #2 Sewer Co., et al.*, D.J. Ref. No.90-5-1-1-4375. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Second Consent Decree Modification may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Second Consent Decree Modification upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$13.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Thomas Carroll,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2022-18291 Filed 8-24-22; 8:45 am]

**BILLING CODE 4410-15-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meetings

The National Science Board’s (NSB) Committee on External Engagement hereby gives notice of the scheduling of five videoconference meetings 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:

Monday, August 29, 2022, from 5:00–5:30 p.m. EDT

Monday, September 26, 2022, from 5:00–5:30 p.m. EDT

Monday, October 24, 2022, from 5:00–5:30 p.m. EDT

Monday, November 28, 2022, from 5:00–5:30 p.m. EDT

Monday, December 12, 2022, from 5:30–6:00 p.m. EDT

**PLACE:** These meetings will be held by videoconference through the National Science Foundation.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The agendas of all the videoconferences are: Committee Chair’s remarks; discussion and planning of NSB engagement initiatives; discussion of external panels for upcoming NSB meetings; and discussion of NSB’s Honorary Awards process.

#### CONTACT PERSON FOR MORE INFORMATION:

Point of contact for this meeting is: Chris Blair, [cblair@nsf.gov](mailto:cblair@nsf.gov), 703/292-7000. To listen to any of the videoconferences, members of the public must send an email to [nationalsciencebrd@nsf.gov](mailto:nationalsciencebrd@nsf.gov) at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at the National Science Board website [www.nsf.gov/nsb](http://www.nsf.gov/nsb).

**Chris Blair,**

*Executive Assistant to the National Science Board Office.*

[FR Doc. 2022-18389 Filed 8-23-22; 11:15 am]

**BILLING CODE 7555-01-P**

## POSTAL SERVICE

### Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule’s Competitive Products List.

**DATES:** *Date of required notice:* August 25, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202-268-8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 15, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 19 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2022-90, CP2022-94.

**Sarah Sullivan,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2022-18296 Filed 8-24-22; 8:45 am]

**BILLING CODE 7710-12-P**

**POSTAL SERVICE****Product Change—Priority Mail Express Negotiated Service Agreement**

**AGENCY:** Postal Service™.  
**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sean Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express Contract 97 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2022–99, CP2022–103.

**Sarah Sullivan,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2022–18299 Filed 8–24–22; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****Product Change—Priority Mail Negotiated Service Agreement**

**AGENCY:** Postal Service™.  
**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sean Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 757 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2022–100, CP2022–104.

**Sarah Sullivan,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2022–18295 Filed 8–24–22; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****Product Change—Parcel Select Negotiated Service Agreement**

**AGENCY:** Postal Service™.  
**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sean Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 15, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Parcel Select Contract 51 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2022–97, CP2022–101.

**Sarah Sullivan,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2022–18298 Filed 8–24–22; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****Product Change—Priority Mail Negotiated Service Agreement**

**AGENCY:** Postal Service™.  
**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sean Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 17, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 756 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2022–98, CP2022–102.

**Sarah Sullivan,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2022–18292 Filed 8–24–22; 8:45 am]

**BILLING CODE 7710–12–P**

**SECURITIES AND EXCHANGE COMMISSION**

[SEC File No. 270–793, OMB Control No. 3235–0738]

**Proposed Collection; Comment Request; Extension: Rules 13n–4(b)(9), (b)(10) and (d)**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the existing collection of information provided for in rules 13n–4(b)(9), (b)(10) and (d) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rules 13n–4(b)(9), (b)(10) and (d) implement Exchange Act sections 13(n)(5)(G) and (H), which conditionally require security-based swap data repositories (SDRs) registered with the Commission to make security-based swap data available to certain regulators and other authorities. The rules in part would condition this access to data on the regulators and other authorities entering into memoranda of understanding or other arrangements with the Commission to address the confidentiality of the data made available. The rules further would require SDRs to create and maintain records regarding such data access. In addition, certain regulators or other authorities that are not otherwise designated by statute or rule may submit applications to the Commission requesting that they be deemed eligible to access the relevant security-based swap data.

Implementation of the statutory data access provisions—including the confidentiality condition and the Commission’s authority to designate entities to access such information—will facilitate regulatory oversight of the security-based swap market and its participants, including oversight of systemic and other risks associated with the market. Implementation also will promote compliance with applicable laws and regulations, including but not limited to compliance with the antifraud provisions of the federal securities laws.

Commission Staff estimates that the total annual burden associated with

Rules 13n-4(b)(9), (b)(10) and (d) is 11,405 hours and \$120,000, calculated as follows:

Commission staff estimates a total of 50 regulators or other authorities will enter into confidentiality arrangements with the Commission to obtain access to security-based swap data pursuant to these provisions. On average, each of those recipients of data is expected to expend 500 hours in connection with negotiating these MOUs or other arrangements, for a one-time aggregate burden of 25,000 hours, with no associated ongoing burdens. This equates to 8,333 hours per year when annualized over three years.

Commission staff estimates that a total of 41 regulators or other authorities (that otherwise are not identified by statute or the rules as being eligible for access) may request that the Commission determine that they be able to access such security-based swap data. On average, each of those entities is expected to expend 40 hours in connection with such requests, for a one-time aggregate burden of 1,640 hours, with no associated ongoing burdens. This equates to 547 hours per year when annualized over three years.

Commission staff also estimates that a total of three SDRs may be expected to incur systems-related costs associated with setting up access to security-based swap data for regulators and other authorities. On average, each of those entities is expected to expend 1,300 hours in connection with providing such connectivity (based on each SDR incurring 26 hours per recipient, over 50 recipients), for a one-time aggregate burden of 3,900 hours, with no associated ongoing burdens associated with this requirement. This equates to 1,300 hours when annualized over three years.

In addition, Commission staff estimates that a total of three SDRs may incur costs associated with notifying the Commission when the SDR receives the first request for security-based swap data from a particular entity. On average, each of those SDRs is expected to expend 25 hours in connection with this notice requirement (based on each SDR providing 50 notices, at half-hour per notice), for a one-time aggregate burden of 75 hours, with no associated ongoing burdens. This equates to 25 hours per year when annualized over three years.

Commission staff estimates that a total of 10 SDRs may incur costs associated with the requirement that they maintain records of all information related to initial and subsequent requests for data access. On average, compliance with this provision is expected to require 360

hours initially and 280 hours annually per SDR, for a total burden of 1,080 hours initially and 840 hours annually across three SDRs. This equates to 1,200 hours per year when annualized over three years. Commission staff further estimates that those SDRs each will require \$40,000 annually in connection with that requirement, for a total cost of \$120,000 annually across ten SDRs.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing by October 24, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: August 19, 2022.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2022-18303 Filed 8-24-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34680; File No. 812-15287]

### Brightwood Capital Corporation I, et al.

August 22, 2022.

**AGENCY:** Securities and Exchange Commission ("Commission" or "SEC").

**ACTION:** Notice.

Notice of application for an order ("Order") under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

**APPLICANTS:** Brightwood Capital Corporation I, Brightwood Capital Advisors, LLC, Brightwood SPV Advisors, LLC, Brightwood Capital SBIC III, LP, Brightwood Capital Fund V, LP, Brightwood Capital Fund V-U, LP, Brightwood Capital Offshore Fund V, LP, Brightwood Capital Offshore Feeder Fund V, LP, Brightwood Capital Offshore Fund V-U, LP, Brightwood Capital Offshore Feeder Fund V-U, LP, BCOF Capital V, LP, Brightwood Capital MM CLO 2019-1, Ltd., Brightwood Capital MM CLO 2020-1, Ltd., Brightwood Capital MM CLO 2021-2, Ltd., and Brightwood Capital MM CLO 2022-1, Ltd.

**FILING DATES:** The application was filed on December 3, 2021, and amended on May 10, 2022 and August 16, 2022.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on September 16, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov).

**ADDRESSES:** The Commission: [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov). Applicants: Darilyn T. Olidge, Esq., [Olidge@brightwoodlp.com](mailto:Olidge@brightwoodlp.com).

**FOR FURTHER INFORMATION CONTACT:** Asen Parachkevov, Senior Counsel, or Terri Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** For Applicants' representations, legal

analysis, and conditions, please refer to Applicants' second amended and restated application, dated August 16, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**  
Deputy Secretary.

[FR Doc. 2022-18354 Filed 8-24-22; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

[Public Notice: 11822]

### 30-Day Notice of Proposed Information Collection: Nonimmigrant Visa Application

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments up to September 26, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument, and supporting documents to Tonya Whigham, who may be reached at (202) 485-7586 or [PRA\\_BurdenComments@state.gov](mailto:PRA_BurdenComments@state.gov).

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* Nonimmigrant Visa Application; Online Nonimmigrant Visa Application.

- *OMB Control Number:* 1405-0182.

- *Type of Request:* Revision of a Currently Approved Collection.

- *Originating Office:* Bureau of Consular Affairs, Visa Services (CA/VO).

- *Form Number:* DS-156; DS-160.

- *Respondents:* Nonimmigrant Visa Applicants; Individuals Seeking Boarding Foils for Purposes of Parole.

- *Estimated Number of Respondents:* 11,095,302.

- *Estimated Number of Responses:* 11,095,302.

- *Average Time per Response:* 90 minutes.

- *Total Estimated Burden Time:* 16,642,953 hours.

- *Frequency:* Once per respondent's application for a nonimmigrant visa; once per respondent's request for a boarding foil.

- *Obligation to respond:* Required to Obtain Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

### Abstract of Proposed Collection

The DS-160 and DS-156 collect biographical and other information from individuals seeking a nonimmigrant visa or individuals seeking a boarding foil for purposes of traveling to the United States to seek parole from the Department of Homeland Security. The consular officer uses the information collected to elicit information necessary to determine an applicant's eligibility for a nonimmigrant visa. The consular officer uses the information collected on the form to screen individuals seeking a boarding foil for purposes of obtaining parole pursuant to an agreement

between the Department of State and the Department of Homeland Security. Most respondents use the DS-160; however, posts may authorize an individual to use the paper-based DS-156 in limited circumstances as outlined below.

### Methodology

Respondents submit the DS-160 electronically over an encrypted connection to the Department via the internet. The respondent will be instructed to print the confirmation page containing bar code record locators, which the consular officer will use to locate the form during processing.

The DS-156 is the paper-based version of the DS-160. In order to obtain a copy of the DS-156, an individual must contact the Embassy or consulate at which they are applying and request a copy. A consular officer may allow an individual to submit the DS-156 in the following limited circumstances when the DS-160 cannot be accessed and the:

- Respondent has an urgent medical or humanitarian travel need, and the consular officer has received explicit permission from the Visa Office to accept form DS-156;
- Respondent is a student or exchange visitor who must leave immediately in order to arrive on time for his/her course and the consular officer has explicit permission from the Visa Office to accept form DS-156;
- Respondent is a diplomatic or official traveler with urgent government business and form DS-160 has been unavailable for more than four hours; or
- Form DS-160 has been unavailable for more than three days and the officer receives explicit permission from the Visa Office.

**Julie M. Stuft,**

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2022-18324 Filed 8-24-22; 8:45 am]

**BILLING CODE 4710-06-P**

## DEPARTMENT OF STATE

[Public Notice 11836]

### 60-Day Notice of Proposed Information Collection: Request for Department of State Personal Identification Card

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are

requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES:** The Department will accept comments from the public up to October 24, 2022.

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

- *Web:* Persons with access to the internet may comment on this notice by going to [www.Regulations.gov](http://www.Regulations.gov). You can search for the document by entering "Docket Number: DOS-2022-0027" in the Search field. Then click the "Comment Now" button and complete the comment form.

- *Email:* [FergusonJM3@state.gov](mailto:FergusonJM3@state.gov).
- *Regular Mail:* Send written comments to: DS/DO/DFP, Harry S Truman, 2201 C St. NW, Washington, DC 20520-0000, Room B237.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to John Ferguson, who may be reached on (202) 647-0511 or at [fergusonjm3@state.gov](mailto:fergusonjm3@state.gov).

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* Request for Department of State Personal Identification Card.

- *OMB Control Number:* 1405-0232.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* DS/DO/DFP.
- *Form Number:* DS-1838 and DS-7783.

- *Respondents:* Department employees and contractors.

- *Estimated Number of Respondents:* 30,000.

- *Estimated Number of Responses:* 30,000.

- *Average Time per Response:* 5 minutes.

- *Total Estimated Burden Time:* 2,500 hours per year.

- *Frequency:* On occasion (when new badge is required or badge expires).

- *Obligation to Respond:* Mandatory. We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for

this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

**Abstract of Proposed Collection**

The collection of the information requested on the DS-1838 and DS-7783 is necessary to comply with:

- *Homeland Security Presidential Directive 12 (HSPD-12)* was issued August 27, 2004 to set policy for a common, reliable, and secure identification standard for federal employees and contractors for accessing federally-controlled facilities and federal information systems. In order to keep Federal and other facilities where there is potential for terrorist attacks secure, wide variations in the quality and security of forms of identification need to be eliminated.

- *Federal Information Processing Standard Publication 201 (FIPS 201)* is a United States federal government standard that specifies Personal Identity Verification (PIV) requirements for Federal employees and contractors. The NIST (National Institute of Standards and Technology) Computer Security Division initiated a new program for improving the identification and authentication of Federal employees and contractors for access to Federal facilities and information systems.

All Department employees and contractors are required to submit application for a Personal Identification Card (DS-1838 domestically or DS-7783 overseas) at the time of hire.

**Methodology**

Information is collected by use of the DS-1838 (available through myData 2.0 and the Automated Badge Request) or DS-7783 (available through myData 2.0).

**Kevin E. Bryant,**

*Deputy Director, Office of Directives Management, U.S. Department of State.*

[FR Doc. 2022-18325 Filed 8-24-22; 8:45 am]

**BILLING CODE 4710-43-P**

**TENNESSEE VALLEY AUTHORITY**

**Meeting of the Regional Resource Stewardship Council**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of Federal Advisory Committee Act meeting.

**SUMMARY:** The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on September 20 and 21, 2022, regarding TVA's natural resources and stewardship matters in the Tennessee Valley.

**DATES:** The meeting will be held in Knoxville, Tennessee at TVA's Knoxville Office Complex, West Tower, in the main auditorium on Tuesday, September 20, 2022, from 8:30 a.m. to 4:00 p.m. E.T. and Wednesday, September 21, 2022, from 8:30 a.m. to 12:30 p.m. E.T. RRSC council members are invited to attend the meeting in person. The public is invited to view the meeting virtually or to attend in-person. Health and safety protocols may be required for those who attend in-person as TVA is following CDC guidance on masking and social distancing. A one hour virtual or in-person public listening session will be held September 21, at 9 a.m. E.T. A link and instructions to view the meeting will be posted on TVA's RRSC website at [www.tva.gov/rrsc](http://www.tva.gov/rrsc) at least one week prior to the scheduled meeting.

**ADDRESSES:** The public is invited to view the meeting virtually or attend in person. The in-person meeting will be held in the main TVA West Tower Auditorium at 400 W Summit Hill Dr. SW, Knoxville, TN 37902. Due to COVID 19 conditions, anyone wishing to attend in person must preregister by 5:00 p.m. E.T. Friday, September 16, 2022, by emailing [bhaliti@tva.gov](mailto:bhaliti@tva.gov). Members of the public are also invited to speak either virtually or in person during a public listening session. Persons who wish to speak must preregister by 5:00 p.m. E.T. Friday, September 16, 2022, by emailing [bhaliti@tva.gov](mailto:bhaliti@tva.gov) and specify whether they wish to speak virtually or in-person. Anyone needing special accommodations should let the contact below know at least one week in advance.

**FOR FURTHER INFORMATION CONTACT:**

Bekim Haliti, [bhaliti@tva.gov](mailto:bhaliti@tva.gov), 931-349-1894.

**SUPPLEMENTARY INFORMATION:** The RRSC is a discretionary advisory committee established under the authority of the Tennessee Valley Authority (TVA) in accordance with the provisions of the

Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. app. 2.

The meeting agenda includes the following:

#### Day 1—September 20

1. Welcome and Introductions
2. RRSC and TVA Meeting Update
3. TVA's River Operations Policy
4. Review of Advice Questions
5. Discuss Advice Statement

#### Day 2—September 21

6. Welcome and Review of Day 1
7. Public Listening Session
8. Update on TVA's River Management
9. Update on TVA's Natural Resources
10. Finalize RRSC Advice Statement

The RRSC will hear views of the public by providing a 1-hour public comment session starting September 21 at 9:00 a.m. ET. Persons wishing to speak must register at [bhaliti@tva.gov](mailto:bhaliti@tva.gov) or call 931-349-1894 by 5:00 p.m. EDT, on Friday, September 16, 2022, and will be called on during the public listening session for up to five minutes to share their views. Written comments are also invited and may be emailed to [bhaliti@tva.gov](mailto:bhaliti@tva.gov) or mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 9D, Knoxville Tennessee 37902.

Dated: August 19, 2022.

#### Melanie Farrell,

*Vice President, External Stakeholders and Regulatory Oversight, Tennessee Valley Authority.*

[FR Doc. 2022-18340 Filed 8-24-22; 8:45 am]

BILLING CODE 8120-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2022-1137]

#### National Policy Regarding Aircraft Certification Service (AIR) Issue Resolution and Appeal Processes

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

**ACTION:** Notification of availability; request for comments.

**SUMMARY:** This draft order would modify and establish certain issue resolution and appeal processes related to type certification activities.

**DATES:** Comments on this draft order must identify the docket number and must be received on or before September 26, 2022.

**ADDRESSES:** Send comments with the subject line, "Aircraft Certification Service (AIR) Issue Resolution and

Appeal Processes" identified by docket number FAA-2022-1137, using the following method:

- **Federal eRegulations Portal:** Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery of Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at 202-493-2251.

**Privacy:** In addition to the final order, the FAA will post all comments it receives, without change, to <https://www.regulations.gov/>, including any personal information the commenter provides. DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Bumann, Aircraft Certification Service, AIR-600, by email at [Elizabeth.Bumann@faa.gov](mailto:Elizabeth.Bumann@faa.gov), or by phone at (405) 954-8803.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

Section 110 of the Aircraft Certification, Safety, and Accountability Act, Public Law 116-260 (the Act) requires the FAA to issue an order establishing an issue resolution process for certain type certification activities. Section 110 also requires the FAA to establish a process that provides certain persons with the right to appeal decisions, findings, and acts with respect to compliance with design requirements. This order would be issued to meet the requirements of section 110, and a draft may be examined in the docket, and at <https://www.faa.gov/aircraft/draft/docs/>.

##### Comments Invited

The FAA invites the public to submit comments on the draft order, as specified in the **ADDRESSES** section of this Notice. Commenters should include the subject line, "Aircraft Certification Service (AIR) Issue Resolution and Appeal Processes," on all comments submitted to the FAA. The most helpful comments will reference a specific recommendation, explain the reason for

any recommended change, and include supporting information. The FAA will consider all comments received on or before the closing date before issuing the final order. The FAA will also consider late-filed comments if it is possible to do so without incurring expense or delay.

Issued in Washington, DC, on August 19, 2022.

#### Victor Wicklund,

*Acting Director, Policy and Innovation Division, Aircraft Certification Service.*

[FR Doc. 2022-18305 Filed 8-24-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Request To Release Airport Property

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

**ACTION:** Notice of intent to rule on request to release airport property for land disposal at the Hutchinson Regional Airport (HUT), Hutchinson, Kansas.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release and sale of a 1.33 acre parcel of land at the Hutchinson Regional Airport (HUT), Hutchinson, Kansas.

**DATES:** Comments must be received on or before September 26, 2022.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Pieter Miller, C. M., Hutchinson Airport Manager, 1100 N. Airport Road, Hutchinson, Kansas 67504, (620) 694-2692.

#### FOR FURTHER INFORMATION CONTACT:

Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G 901 Locust Room 364, Kansas City, MO 64106, (816) 329-2603, [amy.walter@faa.gov](mailto:amy.walter@faa.gov)

The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release approximately 1.33 acres of airport property at the Hutchinson Regional Airport (HUT) under the

provisions of 49 U.S.C. 47107(h)(2). The Airport Manager requested from the FAA that a 1.33 acre parcel of land be released for sale to Scott and Danielle Tajchman. The FAA determined the request to release and sell property at Hutchinson Regional Airport (HUT) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Hutchinson Regional Airport (HUT) is proposing the release and sale of a 1.33 acre parcel. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the release of land and surface rights at the Hutchinson Regional Airport (HUT) from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value and the property will be used by the adjacent land owner for personal use.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, request an appointment and inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Hutchinson Regional Airport.

Issued in Kansas City, MO, on August 18, 2022.

**James A. Johnson,**

Director, FAA Central Region, Airports Division.

[FR Doc. 2022-18337 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2022-0501; Summary Notice No. -2022-35]

#### Petition for Exemption; Summary of Petition Received; University of California at Berkeley

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before September 14, 2022.

**ADDRESSES:** Send comments identified by docket number [FAA-2022-0501] using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 683-7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,**

Deputy Executive Director, Office of Rulemaking.

#### Petition for Exemption

*Docket No.:* FAA-2022-0501.

*Petitioner:* University of California at Berkeley.

*Section(s) of 14 CFR Affected:*

§§ 91.119(c), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (2), 91.417(a) & (b).

*Description of Relief Sought:*

University of California at Berkeley (UC Berkeley) seeks relief to operate their E500 unmanned aircraft system (UAS) weighing over 55 pounds (lbs.) up to 630 lbs., to collect gravitational measurements in rural and remote areas in order to measure variations in the earth's gravitational field for scientific research. This work will be conducted by the UC Berkeley Physics Department funded by the Department of Naval Research.

[FR Doc. 2022-18358 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Meeting

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

**ACTION:** Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

**SUMMARY:** This notice announces a meeting of the ARAC.

**DATES:** The meeting will be held on Thursday, September 8, 2022, from 1 p.m. to 4 p.m. eastern time.

Requests to attend the meeting must be received by Monday, August 29, 2022.

Requests for accommodations to a disability must be received by Monday, August 29, 2022.

Requests to submit written materials to be reviewed during the meeting must be received no later than Monday, August 29, 2022.

**ADDRESSES:** The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, and virtually on Zoom. However, if the FAA is unable to hold the meeting in person due to circumstances outside of its control, the FAA will hold a virtual meeting and notify registrant with the meeting details and post any updates on the FAA Committee website. Members of

the public who wish to observe the meeting must RSVP by emailing [9-awarac@faa.gov](mailto:9-awarac@faa.gov). General committee information including copies of the meeting minutes will be available on the FAA Committee website at [https://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

**FOR FURTHER INFORMATION CONTACT:** Lakisha Pearson, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267-4191; email [9-awarac@faa.gov](mailto:9-awarac@faa.gov). Any committee-related request should be sent to the person listed in this section.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The ARAC was created under the Federal Advisory Committee Act (FACA), in accordance with title 5 of the United States Code (5 U.S.C. app. 2) to provide advice and recommendations to the FAA concerning rulemaking activities, such as aircraft operations, airman and air agency certification, airworthiness standards and certification, airports, maintenance, noise, and training.

**II. Agenda**

At the meeting, the agenda will cover the following topics:

- Status Report from the FAA
- Status Updates:
  - Active Working Groups
  - Transport Airplane and Engine (TAE) Subcommittee
- Recommendation Reports
- Any Other Business

Detailed agenda information will be posted on the FAA Committee website address listed in the **ADDRESSES** section at least one week in advance of the meeting.

**III. Public Participation**

The meeting will be open to the public for virtual or in person attendance on a first-come, first served basis, as space is limited. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section and provide the following information: full legal name, country of citizenship, and name of your industry association or applicable affiliation. Please indicate if you plan to observe the meeting in-person or virtually. When registration is confirmed, FAA will email registrants to provide meeting access information in a timely manner prior to the meeting.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need

alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Any member of the public may present a written statement to the committee at any time. The public may present written statements to ARAC by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on July 30, 2022.

**Brandon Roberts,**

*Executive Director, Office of Rulemaking.*

[FR Doc. 2022-18315 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**[Docket No.: FAA-2022-0118; Summary Notice No. -2022-32]**

**Petition for Exemption; Summary of Petition Received; Air Transport Services**

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before September 14, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2022-0118 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alphonso Pendergrass II (202) 267-4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA-2022-0118.

*Petitioner:* Air Transport Services, Inc.

*Section(s) of 14 CFR Affected:* § 61.113(c).

*Description of Relief Sought:* The petitioner is requesting relief from § 61.113(c) to be allowed reimbursement of fuel costs for volunteer pilots conducting charitable flights that provide disaster relief and humanitarian aid to individuals affected by natural disasters, pandemics, and medical emergencies primarily in the Caribbean Islands. Additionally, the petitioner requests to provide evacuation services from disaster areas, as well as, the transportation of doctors and medical equipment into disaster areas to provide on-site emergency treatment.

[FR Doc. 2022-18316 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-13-P**



**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway Projects in Texas**

**AGENCY:** Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), Department of Transportation.

**ACTION:** Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

**SUMMARY:** This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to an assignment agreement executed by FHWA and TxDOT. The actions relate to various proposed highway projects in the State of Texas. These actions grant licenses, permits, and approvals for the projects.

**DATES:** By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the highway projects will be barred unless the claim is filed on or before the deadline. For the projects listed below, the deadline is January 23, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Patrick Lee, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416-2358; email: [Patrick.Lee@txdot.gov](mailto:Patrick.Lee@txdot.gov). TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Texas that are listed below.

The actions by TxDOT and Federal agencies and the laws under which such

actions were taken are described in the Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) issued in connection with the projects and in other key project documents. The CE, EA, or EIS and other key documents for the listed projects are available by contacting the local TxDOT office at the address or telephone number provided for each project below.

This notice applies to all TxDOT and 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. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [54 U.S.C. 312501 *et seq.*]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251–1377] (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority

Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

The projects subject to this notice are:

1. IH 30 from 0.28 mile east of FM 2642 to 0.57 mile west of SH 34 in Hunt County, Texas. The purpose of the project is to improve mobility and safety by widening the existing facility from two lanes in each direction to three lanes in each direction, increasing inside and outside shoulder width from four to ten feet, separating main lanes with a four-foot-wide concrete barrier, and converting frontage roads from two-way to one-way. The proposed project would extend for approximately 13.65 miles. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on March 22, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT Paris District Office at 1365 N Main St., Paris, TX 75460; telephone: (903) 737-9200.

2. Realignment of IH 35W northbound mainlanes from CR 604/CR 707 to US 67 within the city of Alvarado and in Johnson County, Texas. The closed left-hand exit from southbound IH 35W mainlanes to BUS 35W (North Parkway Drive) would be removed. A northbound frontage road between US 67 and BUS 35W would be added, and the existing frontage road from BUS 35W to CR 604/CR 707 would be converted from two-way to a one-way frontage road. This would provide a continuous, one-way frontage road from US 67 to the CR 604/CR 707 intersection. Existing BUS 35W would be realigned to a T-intersection at the proposed northbound frontage road. Bicycle and pedestrian accommodations would be part of the project. The proposed project is approximately 1.15 miles long, and proposed improvements would occur within existing ROW. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on March 24, 2002, and other documents in the TxDOT project file. The Categorical Exclusion

Determination and other documents in the TxDOT project file are available by contacting the TxDOT Fort Worth District Office at 2501 SW Loop 820, Fort Worth TX, 76133; telephone: (817) 370-6772.

3. IH 27 Expansion project from north of Western Street to the US 87/US 60 interchange in Randall County, Texas. This project begins just north of the Western Street bridge extending approximately 10 miles south to just south of the US 87/US 60 interchange north of Canyon and will increase roadway capacity. The project will include adding a third inside travel lane on IH 27 in both directions with a concrete traffic barrier between northbound and southbound lanes, frontage road improvements and ramp realignments, and bicycle and pedestrian accommodations. Improvements at major arterials will require additional right-of-way totaling 10.4 acres. IH 27 improvements will also include reconstruction of the Western Street, Hillside Road, and Bell Street interchanges and overpass conversions at the Sundown Lane, FM 2219 (Lair Road), and Rockwell Road interchanges to put the IH 27 roadway over the intersecting arterial. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on April 13, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT Amarillo District Office at 5715 Canyon Drive Amarillo, TX 79110; telephone: (806) 570-6301.

4. Talley Road from Wiseman Boulevard to Tamaron Pass in Bexar County, Texas. The project includes expanding the existing roadway from two to four lanes with a continuous center turn lane and constructing sidewalks along the entire length of the project. The project is approximately 2.44 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on April 18, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone: (210) 615-5839.

5. I Road from Rancho Blanco Road to US 281 (Military Highway) in Hidalgo County, Texas. The purpose of the

project is to improve safety and mobility by widening and reconstructing I Road to a 50-foot-wide roadway with two 11-foot-wide travel lanes, a 12-foot-wide continuous center turn lane, 8-foot-wide shoulders, and 10-foot-wide shared use path, including left-turn lanes at seven intersecting cross streets. The proposed project length is approximately 4.1 miles. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on May 6, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT Pharr District Office 600 W Expressway 2, Pharr, TX 78577; telephone: (956) 702-6100.

6. SH 123 from Cordova Lane to IH 10 in Guadalupe County, Texas. The project will expand SH 123 from a two-lane road to a four-lane divided highway. It also includes shoulders, curbs, and sidewalks. The project is approximately 2.5 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on May 20, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone: (210) 615-5839.

7. John Hayes Street Extension from Pellicano Drive to Montwood Drive in El Paso County, Texas. The proposed project would include extension of the existing John Hayes Street to Pellicano Drive and widening the existing John Hayes Street to a six-lane divided facility within a 125-foot right-of-way for a total of 3 miles. The proposed project would also include pedestrian, bicycle, shared use path improvements, and drainage improvements. The general purpose of the project is to extend and improve the existing John Hayes Street. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on May 24, 2022, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting the TxDOT El Paso District Office at 13301 Gateway Blvd. West, EL Paso, Texas 79928; telephone: Lauren

Macias-Cervantes at (915) 790-4341 or Jennifer Wright at (915) 790-4340.

8. IH 10 from FM 2434 to United States Highway US 90 (Alleyton Road South) in Colorado County, Texas. TxDOT proposes to reconstruct and widen IH 10 from FM 2434 to US 90 (Alleyton Road South) in Columbus. Additionally, the IH 10 bridge crossing the Colorado River would be replaced and realigned. The proposed project is approximately 5.6 miles in length, passing through the City of Columbus and the unincorporated communities of Glidden and Alleyton. The purpose of the project is to meet local and regional future travel demands by increasing capacity, improving the safety of the roadway by correcting design deficiencies and upgrading the facility to meet current design standards, and improving the hurricane evacuation route on IH 10. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA), the Finding of No Significant Impact (FONSI) issued on March 15, 2022, and other documents in the TxDOT project file. The EA, FONSI and other documents in the TxDOT project file are available by contacting the TxDOT Yoakum District Office at 403 Huck St., Yoakum, Texas 77995; telephone: (361) 293-4436.

9. Loop 1604 from FM 78 to IH 10E in Bexar County, Texas. The project will convert Loop 1604 from a four-lane divided highway to a four-lane expressway between FM 78 and IH 10E. The project also includes frontage roads, entrance/exit ramps and pedestrian facilities. The project is approximately six miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA), the Finding of No Significant Impact (FONSI) issued on May 24, 2022, and other documents in the TxDOT project file. The EA, FONSI and other documents in the TxDOT project file are available by contacting the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone: (210) 615-5839.

*Authority:* 23 U.S.C. 139(l)(1)

**Michael T. Leary,**

*Director, Planning and Program Development,  
Federal Highway Administration.*

[FR Doc. 2022-18367 Filed 8-24-22; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket Number FRA–2013–0048]****Petition for Extension of Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 25, 2022, the Massachusetts Central Railroad Corporation (MCER) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the hours of service laws contained at title 49 United States Code (U.S.C.) section 21103(a), in accordance with the authority of section 21102(b). The relevant FRA Docket Number is FRA–2013–0048.

Specifically, MCER requested an extension of its existing relief from the provisions of § 21103(a), which in part, provides that a train employee may not be required or allowed to remain or go on duty after that employee has initiated an on-duty period each day for 6 consecutive days, unless that employee has had at least 48 hours off duty at the employee's home terminal. MCER seeks to continue to allow a train employee to initiate an on-duty period for 6 consecutive days followed by 24 hours off duty. In support of its petition, MCER states that under the waiver, "the total time on duty for these employees would be below the 276-hour maximum time on-duty that is permitted per month." MCER also explains that its employees support the application, and MCER provided letters of support with its petition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by October 11, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2022–18375 Filed 8–24–22; 8:45 am]

**BILLING CODE 4910–06–P****DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket Number FRA–2013–0019]****Petition for Extension of Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated July 8, 2022, Old Augusta Railroad (OAR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the hours of service laws contained at title 49 United States Code (U.S.C.) section 21103(a), in accordance with the authority of section 21102(b). The relevant FRA Docket Number is FRA–2013–0019.

Specifically, OAR requested an extension of its existing waiver of relief from the provisions of 49 U.S.C. 21103(a), which prohibits a train employee from remaining or going on duty for a period in excess of 12 consecutive hours. Section 21102(b) allows the Department to exempt railroads with 15 or fewer employees from the restriction outlined at § 21103(a)(4)(B). The existing waiver allows OAR employees to initiate an on-

duty period each day for 7 consecutive days followed by 72 hours off duty. In support of its petition, OAR states that its operation "has not had a single incident attributable to fatigue during the effective period of the waiver." OAR also explains that its employees have unanimously consented to the waiver, and it has "full support from both management and the train service employees."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by October 11, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2022–18374 Filed 8–24–22; 8:45 am]

**BILLING CODE 4910–06–P**

**DEPARTMENT OF VETERANS AFFAIRS**

**Advisory Committee on Former Prisoners of War, 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 Advisory Committee on Former Prisoners of War (Committee) will conduct a virtual meeting on September 20, 2022 from 1:00 p.m.–4:00 p.m. Eastern Daylight Time (EDT).

Date	Time	Location	Open session
September 20, 2022 .....	1:00 p.m.–4:00 p.m. (EDT) ....	Microsoft TEAMS Link and Call-in Information Below .....	Yes.

The meeting session is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under title 38 U.S.C., for Veterans who are Former Prisoners of War (FPOW), and to make recommendations on the needs of such Veterans for compensation, health care, rehabilitation, and memorial benefits.

The agenda will include briefings/presentations from the Advisory Committee Management Office (ACMO), update of ACFPOW recommendations, discussion about the FPOW fact sheet and outreach letter, and discussion about upcoming ACFPOW meetings/locations.

No time will be allocated at this meeting for receiving oral presentations from the public. Any member of the public may also submit a 1–2-page commentary for the Committee’s review. Any member of the public seeking additional information should contact Mr. Julian Wright, Designated Federal Officer, Department of Veterans Affairs, Advisory Committee on Former Prisoners of War at [Julian.Wright2@va.gov](mailto:Julian.Wright2@va.gov) no later than September 12, 2022.

Any member of the public who wishes to participate in the virtual meeting may use the following Microsoft Teams Meeting Link:  
*Join On Your Computer or Mobile App: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_](https://teams.microsoft.com/l/meetup-join/19%3ameeting_)*

*MmM5MDRIYzctNjEwYy00MzEwLWEzNWYtNTVIMzY2YzA5ZWQ2%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22b857b6c6-44d8-46b4-8041-6e7d50b9890a%22%7d.*

*Or Call-In (audio only): Phone: 1–872–701–0185, Code: 484706034#.*

Dated: August 19, 2022.

**Jelessa M. Burney,**  
*Federal Advisory Committee Management Officer.*

[FR Doc. 2022–18304 Filed 8–24–22; 8:45 am]

**BILLING CODE 8320–01–P**

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